

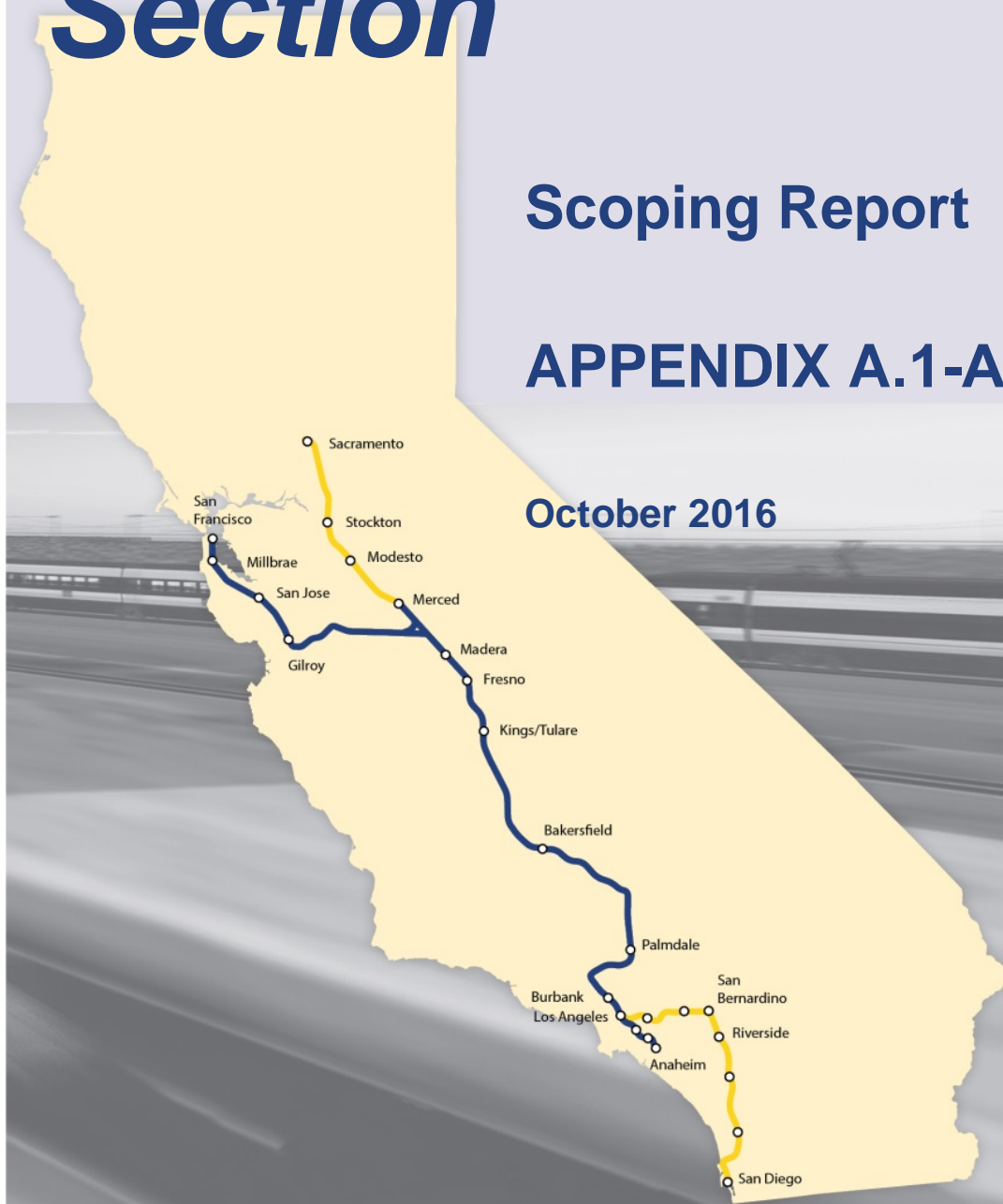
California High-Speed Rail Authority

# ***San Francisco to San Jose Project Section***

Scoping Report

APPENDIX A.1-A.5

October 2016



**CALIFORNIA**  
High-Speed Rail Authority



U.S. Department  
of Transportation  
**Federal Railroad  
Administration**

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Appendix A.1 Federal Agency Comments		
Agency	Submission Number	Page Number
United States Environmental Protection Agency	F001	A.1-1

Appendix A.2 State Agency Comments		
Agency	Submission Number	Page Number
California Department of Fish and Wildlife	S001	A.2-1
Caltrans, District 4	S002	A.2-7
Native American Heritage Commission of California	S003	A.2-10
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BART	L001	A.3-1
Bay Area Air Quality Management District	L002	A.3-7
Caltrain/JPB	L003	A.3-10
City & County of San Francisco, SFMTA, SFPUC, SFCTA	L004	A.3-18
City of Belmont	L005	A.3-24
City of Brisbane	L006	A.3-29
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City of Mountain View	L008	A.3-35
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Transportation Agency for Monterey County	L023	A.3-90

Appendix A.4 Elected Official Comments		
Elected Official and Office	Submission Number	Page Number
Ann Keighran, Mayor of Burlingame	E001	A.4-1
Rich Cline, Mayor of Menlo Park	E002	A.4-8
Patrick Burt, Mayor of Palo Alto	E003	A.4-15

Appendix A.5 Businesses and Organizations Comments		
Business or Organization	Submission Number	Page Number
California Rail Foundation (CRF)	B001	A.5-1
Californians Advocating Responsible Rail Design (CARRD)	B002	A.5-3
Community Coalition on High-Speed Rail	B003 – B004	A.5-32
Friends of Caltrain	B005 – B006	A.5-44
Greater Gardner Coalition	B007	A.5-52
Newhall Neighborhood Association	B008	A.5-114
Palo Alto Council of PTAs (PTAC)	B009	A.5-117
San Francisco Trains, Inc.	B010	A.5-125
San Jose Airport	B011	A.5-128
Save Our Trails: Connecting Santa Clara County Communities	B012	A.5-130
SF Transit Riders	B013	A.5-132
Shasta/Hanchett Park Neighborhood Association	B014	A.5-135
SPUR	B015	A.5-140
Union Pacific Railroad Company	B016	A.5-144
Universal Paragon Corporation	B017	A.5-211

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## **Appendix A.1**

### **Federal Agency Comments**

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ENT-4-2

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
75 HAWTHORNE STREET  
SAN FRANCISCO, CALIFORNIA 94105-3901

route to San Jose

JUN 07 2016

Guy Preston  
California High Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

0908

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**US POSTAGE \$000.88**

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**Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued**

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

June 1, 2016

Stephanie Perez  
Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Mail Stop 20, W38-219  
Washington, DC 20590

Subject: Scoping Comments for the San Francisco to San Jose Section of the California High-Speed Rail System

Dear Ms. Perez:

The U.S. Environmental Protection Agency (EPA) has reviewed the Notice of Intent (NOI) published in the Federal Register on May 9, 2016 by the Federal Railroad Administration (FRA) to prepare a Draft Environmental Impact Statement (DEIS) for the San Francisco to San Jose Section of the California High-Speed Rail System. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's (CEQ) regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

EPA provided comments in response to the previous NOI in an April 6, 2009 letter, which we have enclosed. While the proposed project has changed in response to community concerns and other factors, the majority of our previous scoping comments still apply to this project and we are pleased to see that many of our recommendations have been implemented in planning thus far. We are enclosing updated language on mitigation measures for construction air emissions and analysis of greenhouse gas emissions, as there is updated information available since our 2009 comments.

We look forward to continuing our coordination with FRA and the California High Speed Rail Authority through the remainder of the environmental review and permitting process.

**Air Quality**

The proposed project is located in the San Francisco Bay Area. Since we provided our previous scoping comments, the Bay Area has been designated a moderate nonattainment area for fine particulate matter (PM<sub>2.5</sub>), in addition to the previous designation of marginal nonattainment for the 8-hour ozone standard. Since 2009, EPA has updated its recommendations for construction emission mitigation measures, and those recommendations are included below.

**Construction Emissions**

The DEIS should include a Construction Emissions Mitigation Plan for fugitive dust and diesel particulate matter (DPM) and this plan should be adopted in the Record of Decision (ROD). EPA



## Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

recommends that the best available control measures (BACM) for all pollutants be implemented, including those listed below.

### *Fugitive Dust Source Controls:*

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, and holidays.
- Install wind fencing and phase grading operations where appropriate, and operate water trucks or consider other options for stabilization of soil and disturbed surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

### *Mobile and Stationary Source Controls:*

- Reduce use, trips, and unnecessary idling from heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications. The California Air Resources Board has a number of mobile source anti-idling requirements which could be employed. See their website at: <http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm>.
- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations.
- If practicable, lease new equipment meeting the most stringent of applicable federal<sup>1</sup> or state standards<sup>2</sup>. In general, commit to the best available emissions control technology. Tier 4 engines should be used for project construction equipment to the maximum extent feasible. Lacking availability of non-road construction equipment that meets Tier 4 engine standards, commit to using the best available emissions control technologies on all equipment. Identify opportunities for electrification. Meet EPA diesel fuel requirements for off-road and on-highway, and, where appropriate, use alternative fuels such as natural gas and electric.
- Utilize EPA-registered particulate traps and other appropriate controls where suitable to reduce emissions of DPM and other pollutants at the construction site.

### *Administrative Controls:*

- Coordinate with the Bay Area Air Quality Management District to identify a construction schedule to minimize cumulative impacts from multiple development and construction projects in the region, if feasible, to minimize cumulative impacts.
- Identify all commitments to reduce construction emissions and update the air quality analysis to reflect additional air quality improvements that would result from adopting specific air quality measures.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.

<sup>1</sup> EPA's website for nonroad mobile sources is <http://www.epa.gov/nonroad>.

<sup>2</sup> For ARB emissions standards, see: <http://www.arb.ca.gov/msprog/offroad/offroad.htm>.

## Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.)
- Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.
- Identify sensitive receptors in the project area, such as daycare centers, schools, nursing homes, hospitals, and other health-care facilities, and specify the means by which you will minimize impacts to these populations. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.

### Climate Change and GHGs

EPA recommends that FRA assess the impacts of climate change on the project, as well as the effects (adverse and beneficial) of the project on climate change and greenhouse gas emissions. In addition, there may be important design considerations to accommodate future anticipated effects due to climate change. EPA recommends that FRA consider the US National Climate Assessment<sup>3</sup> and the Council on Environmental Quality Revised Draft Guidance for Greenhouse Gas Emissions and Climate Change Impacts<sup>4</sup> as information sources to help with analysis of impacts and consideration of design standards to mitigate any effects.

We appreciate the opportunity to provide comments on the preparation of the DEIS, and look forward to continued participation in this process as more information becomes available. When the DEIS is released for public review, please send two hard copies and two electronic copies to the addresses provided to the project team. If you have any questions, please contact me at 415-947-3554 or [mulvihill.carolyn@epa.gov](mailto:mulvihill.carolyn@epa.gov).

Sincerely,



Carolyn Mulvihill  
Environmental Review Section

Enclosure: EPA's 2009 Scoping Comments

cc: Mark McLoughlin, CHSRA  
✓ Guy Preston, CHSRA  
Ray Sukys, Federal Transit Administration  
Andrea Gordon, Bay Area Air Quality Management District  
Casey Fromson, Peninsula Corridor Joint Powers Board

<sup>3</sup> Available at: <http://nca2014.globalchange.gov/downloads>

<sup>4</sup> Available at: <https://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/ghg-guidance>

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Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

April 6, 2009

David Valenstein  
Federal Railroad Administration  
1120 Vermont Avenue, NW, MS 20  
Washington, D.C. 20590

Subject: Scoping Comments for San Francisco to San Jose Section of the Proposed High-Speed Train System Environmental Impact Statement/Environmental Impact Report

Dear Mr. Valenstein:

The United States Environmental Protection Agency (EPA) has reviewed the Federal Register Notice published December 29, 2008, requesting comments on the Federal Railroad Administration (FRA) and California High Speed Rail Authority (CHSRA) proposal to prepare a joint project Draft Environmental Impact Statement (Draft EIS) and Draft Environmental Impact Report (Draft EIR) for the San Francisco to San Jose section of the Proposed High-Speed Train (HST) System (Project). Our attached comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act.

We appreciate the close working relationship we have had with FRA and CHSRA as a cooperating agency on the previously completed statewide, programmatic, "Tier 1" EIS completed for an HST for California. We understand that project-level, "Tier 2" EISs have been initiated as a follow-up to the statewide analysis. If properly planned, EPA supports the concept of an HST system in California that can provide an alternative to increasing vehicle miles traveled and lead to reduced environmental impacts. We look forward to continuing our working relationship with you on the Tier 2 EISs and other Tier 2 project-level environmental analyses that will follow.

Through our previous comments on the statewide, programmatic EIS, EPA provided multiple recommendations and concerns to be addressed at the Tier 2 level. EPA also provided detailed comments on the HST Project Environmental Analyses Methodologies on May 14, 2008. Our detailed comments below include these, and other recommendations, related to continued interagency and community coordination, relationship of this Project to other regional transportation projects, land use and transportation linkages, and analysis of impacts to (1) noise, (2) energy resources, (3) air quality, (4) tunneling, (5) environmental justice communities, (6) water resources, (7) biological resources, and (8) invasive species. In addition, we have provided some recommendations for the cumulative impacts and growth inducement analysis for this

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## Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

Project. We also recommend that FRA and CHSRA follow through with the mitigation measure commitments made in the statewide Tier 1 Final Programmatic EIS (see enclosure).

### Interagency and Community Coordination

EPA commends the previous efforts of FRA and CHSRA in coordinating with our agency to highlight the potential environmental impacts of an HST system for all of California as outlined in our April 2003 Interagency Memorandum of Understanding (MOU). The MOU outlined a process for integrating the requirements of NEPA and Clean Water Act (CWA) Section 404 to streamline the environmental review process for the statewide "Tier 1" Programmatic Environmental Impact Statement (PEIS), which is now completed.

We understand that the proposed Project, connecting San Francisco to San Jose via HST, is the third project-level, "Tier 2" EIS to be initiated as a follow-up to the statewide analysis. For this, and all upcoming project-level EISs that tier off of the statewide programmatic document, EPA is available to continue to coordinate to discuss potential environmental concerns and solutions at the earliest possible opportunity.

Furthermore, methods to incorporate effective public participation into the NEPA process should be fully described and implemented early to better incorporate public concerns into the planning process. Where potential acquisition of property is proposed, an open, participatory process involving affected residents should be implemented.

### Relationship to Regional Transportation Projects

The Draft EIS for the San Francisco to San Jose HST segment should specifically identify how the multiple proposed rail projects in the greater Bay Area relate to this Project. It is our understanding that the Metropolitan Transportation Commission (MTC), Bay Area Rapid Transit (BART), and Caltrain, along with a coalition of rail passenger and freight operators, have prepared a comprehensive Regional Rail Plan for the Bay Area, as required by the voters in the Regional Measure 2 (RM2) Traffic Congestion Relief Program (Final Report on September 26, 2007). EPA is supportive of FRA and CHSRA coordination with local transportation agencies to ensure that the Regional Rail Plan is integrated with the Bay Area to Central Valley HST system.

Coordination with local transportation agencies provides an opportunity to integrate high speed rail with plans for local service. EPA recommends FRA and CHSRA involvement in regional projects in order to minimize duplication of efforts and conflicting transit goals so that potential design, construction, permitting, and mitigation in the area can be streamlined to minimize environmental impacts.

#### *Recommendations:*

- Address how the proposed Project will insure that potential duplication of efforts and incompatibilities will not occur.
- Identify integration and/or incompatibility of projects.

## Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

- Identify the specific design features of this proposal that are being designed to “link up” with the other transportation, commuting and transit proposals in the region.
- Clarify whether the facilities constructed for the Caltrain Electrification Program were designed to accommodate power distribution requirements for a future HST system. Address how the proposed project will be integrated with the operation of the “Baby Bullet” express service and pedestrian and bicycle access improvements.

### Land Use and Transportation Linkage

The Draft EIS should identify all transportation improvements proposed to provide access to the proposed facilities from anticipated key rider groups in the Bay Area and surrounding population centers, including transit connections, new methods to move people while reducing congestion, and increased bus service (express service, increase in service on existing routes, and new routes). The Draft EIS should analyze and disclose the temporary and permanent environmental impacts of constructing stations, parking facilities, maintenance and storage facilities, power propagation infrastructure, and required road developments and modifications. Because the project system is planned along the existing Caltrain corridor, the Draft EIS should describe, in detail, the specific modifications to the existing rail network and rail crossings required to be compatible with an HST system.

The Draft EIS should also demonstrate avoidance and minimization measures to reduce environmental impacts associated with the construction of passenger stations and maintenance facilities, such as multi-level parking structures as opposed to large expansive parking lots. The Draft EIS should identify where proposed stations, parking facilities, and additional required infrastructure will be located in the project corridor, and should disclose the associated impacts from station development on planned and unplanned growth.

#### *Recommendations:*

- Describe the expected land use changes associated with station locations.
- Describe the associated environmental impacts of those land use changes, both indirect and cumulative.
- Identify how access to the HST system will be integrated with the existing Caltrain system and describe, in detail, the specific modifications to the existing rail network and rail crossings required to be compatible with an HST system.
- Identify parties responsible for mitigating the environmental impacts associated with the indirect and cumulative impacts of the projected land use changes.
- Identify the timeline for improvements and maintenance.

A substantial benefit of a proposed high speed rail corridor connecting San Francisco to San Jose is the opportunity to provide improved transit services and to reduce vehicle miles

## Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

traveled (VMT). EPA strongly supports including project elements that will further reduce VMT.

### *Recommendations:*

- Minimize the number of parking spaces to the greatest extent possible at the station in order to facilitate the use of transit;
- Coordinate with other transit providers to maximize station access by transit;
- Design the new facilities to be pedestrian and bicycle-friendly, in addition to linking with other modes of transit; and
- Support policies that will increase density and mixed-uses in the station areas.

### **Noise Impacts**

The Draft EIS should address the potential noise and vibration impact to residents, businesses, and wildlife related to the construction and operation of the proposed Project. Potential impacts to human health and welfare and wildlife activity are important with a project of this magnitude, particularly in light of the densely populated area and maximum speed and resulting sounds and vibrations that the HST will produce throughout the train route.

### *Recommendations:*

- All noise impacts should be fully analyzed and presented in the Draft EIS. In addition, the Draft EIS should include commitments to implement measures to adequately mitigate noise impacts associated with the Project. The Draft EIS should assess noise and vibration exposure to determine the severity of impacts near the proposed HST route.
- The Draft EIS should address nocturnal and diurnal impacts to wildlife activities such as foraging, predator avoidance, and nesting that may be affected by new sounds and vibrations introduced to natural habitats.

### **Energy Resources**

It is our expectation that the HST project will increase annual electricity use and decrease use of diesel fuel and gasoline. Successful implementation of the proposed project depends on the availability of sufficient sources of energy. The Draft EIS should identify the number and capacity of energy facilities that were either operational or under construction as of 2008 and discuss whether the future supply is expected to be adequate to meet growth in demand, given the number of power plants in the pipeline or in planning. The energy analysis should take into consideration the cumulative impact of other planned projects that will also increase demand on the existing energy supply.



## Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

### *Recommendations:*

- Identify the number and capacity of energy facilities that were either operational or under construction as of 2008 and discuss whether the future supply is expected to be adequate to meet growth in demand, given the number of power plants in the pipeline or in planning.
- Discuss the cumulative impact of other planned projects that will also increase demand on the existing energy supply. Reasonably foreseeable projects include: (1) the extension of Bay Area Rapid Transit to Warm Springs, San Jose and Santa Clara, (2) the extension of light rail projects in San Jose, and (3) Dumbarton Rail Corridor.

### **Air Quality**

The Draft EIS should provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS), criteria pollutant nonattainment areas, and potential air quality impacts of the project (including cumulative and indirect impacts) for each fully evaluated alternative.

The San Francisco Bay Area is federally designated marginal nonattainment for the 8-hour ozone standard. Because of the area's nonattainment status, it is important to reduce emissions of ozone precursors resulting from the project.

### *Recommendations:*

- Provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS), criteria pollutant nonattainment areas, and potential air quality impacts of the project (including cumulative and indirect impacts) for each alternative.
- Include a thorough analysis of impacts from the construction and operation of the proposed alternatives. Include monitoring data, any anticipated exceedances of NAAQS, and estimates of all criteria pollutant emissions, including the federal 8-hour ozone standard and the PM<sub>2.5</sub> standard.
- Disclose the available information about the health risks associated with vehicle emissions, sensitive receptors in the vicinity of the project area, and how the proposed project will affect current emission levels.
- Work with the Bay Area Air Quality Management District (BAAQMD), Caltrans, and MTC to ensure that methods to estimate emissions and anticipated emissions values from the proposed project are consistent with Air Quality Management Plan and Regional Transportation Plan (RTP) conformity determinations.
- Use the most current EPA-approved model to estimate emissions, including re-entrained PM-10 emissions and present all methods and assumptions for analyses with pertinent air quality analyses and conclusions.

## Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

- Include an identification of potential hotspot impacts, especially where parking lots, idling locomotives, idling buses, and road modifications are proposed

### *General Conformity and Transportation Conformity*

The proposed Project may require a general conformity determination by FRA. If required, the Draft EIS should include the general conformity determination with related mitigation commitments. FRA and CHSRA should work with BAAQMD to ensure that anticipated emissions from the proposed project are consistent with the Air Quality Management Plan.

To the extent that the proposed train system will require modification of the existing grade crossings, road network and construction of parking lots and transit facilities, the Draft EIS should identify what elements of this project will require funding or approval by the Federal Highway Administration (FHWA) or Federal Transit Administration (FTA). In addition, the Draft EIS should demonstrate that FHWA or FTA -funded or -approved project elements are included in a conforming transportation plan and a transportation improvement program. FRA and CHSRA should work with BAAQMD and the MTC to ensure that applicable elements of the proposed project are consistent with future revisions of the RTP. The identification of sensitive receptors, and carbon monoxide and particulate matter hotspot analyses should be included in the Draft EIS, especially where parking lots and road modifications are proposed.

### *Construction Mitigation Measures*

The proposed Project will involve construction and staging along a heavily populated corridor. Because of the multiple receptors along the corridor, FRA and CHSRA should identify and commit to specific requirements to reduce emissions.

The Draft EIS should include BAAQMD requirements to reduce emissions. In addition to these measures, EPA recommends the following additional measures to reduce the impacts resulting from future construction associated with this project.

### *Recommendations:*

In light of the serious health impacts associated with PM<sub>2.5</sub> (fine particulate matter) and diesel exhaust exposure, we recommend that the best available control measures for these pollutants be implemented at all times and recommend that a Construction Emissions Mitigation Plan is incorporated into the Draft EIS. We recommend that all requirements under BAAQMD Guidelines (BAAQMD, 1999), and the following additional measures be incorporated into a Construction Emissions Mitigation Plan, where feasible and appropriate, in order to reduce impacts associated with fugitive dust and emissions of PM<sub>2.5</sub>, diesel exhaust, and mobile source air toxics from construction-related activities:

### *Fugitive Dust Source Controls:*

- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.



## Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

### *Mobile and Stationary Source Controls:*

- Minimize use, trips, and unnecessary idling of heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, where applicable, and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications. The California Air Resources Board has a number of mobile source anti-idling requirements which could be employed. See their website at: <http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm>
- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations.
- If practicable, lease new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, commit to the best available emissions control technology. Tier 4 engines will be available in the 2009-model year and should be used for project construction equipment to the maximum extent feasible. Lacking availability of non-road construction equipment that meets Tier 4 engine standards, FRA/CHSRA should commit to using the best available emissions control technologies on all equipment.
- Utilize EPA-registered particulate traps and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site.

### *Administrative controls:*

- Specify the means by which impacts to sensitive receptors, such as children, elderly, infirm and others identified in the Draft EIS, will be minimized. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility. Provide the justification behind not committing to all mitigation measures. Should FRA and CHSRA determine that potential mitigation measures are not economically feasible, the Draft EIS should provide the context behind this decision.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal

## Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.) Meet EPA diesel fuel requirements for off-road and on-highway, and, where appropriate, use alternative fuels such as natural gas and electric.

### *Greenhouse Gases*

Due to the nature of this Project and the potential greenhouse gases (GHG) benefits that could result, we believe the Project proponents have an opportunity to demonstrate the potential overall GHG benefits of such a project. There are many guidance documents available or expected to be available in the near future.

EPA is available to coordinate regarding analysis of GHGs. Please refer to our detailed comments on the HST Project Environmental Analyses Methodologies for further recommendations on the analysis of GHG emissions in the project level EISs.

Additionally, EPA recommends the Draft EIS should ultimately identify the cumulative contributions and reductions to GHG emissions that will result from implementation of the Project. We also recommend that the project level EIS discuss the potential impacts of climate change on the Project. Finally, the project level EIS should identify if there are specific mitigation measures needed to 1) protect projects from the effects of climate change, 2) reduce the Project's adverse air quality effects, and/or 3) promote pollution prevention or environmental stewardship. Any design and operation measures that can be identified as reducing GHGs should be identified in the EISs with an estimate of the GHG emissions reductions that would result if measures were ultimately implemented.

### **Tunneling Methodology and Impacts**

As applicable, the Draft EIS should identify the amount of material to be removed per mile of tunnel and where material will be disposed or stored. Any impacts associated with the transport and storage of fill should be described and mitigated. Discuss the tunneling methodology to be utilized and the corresponding environmental impacts. Identify specific design measures and options to insure that the full scope of environmental impacts associated with tunneling are considered in project design.

#### *Recommendations:*

- Discuss the methodology proposed for any alternative design that involves tunneling, including equipment and planned locations for staging tunnel operations and methods for transportation of tunnel equipment.
- Quantify the environmental impacts associated with the tunneling and required connected actions, for example amount of material removed per mile tunnel, impacts associated with storage of removed material, road access required, impacts associated with the transport of removed material, etc.
- Discuss the potential impacts of tunneling on the existing transportation network.

## Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

- Address the potential for tunneling to affect stream flows, riparian habitat, the direction of lateral movement of water through the soil profile, and the recharge of shallow, unconfined aquifers.

### Cumulative Impact Analysis

Cumulative impacts are defined in the Council on Environmental Quality's (CEQ) NEPA regulations as the impact on the environment that results from the incremental impact of the action when added to the other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such actions (40 CFR 1508.7). The cumulative impacts analysis should provide the context for understanding the magnitude of the impacts of the alternatives by analyzing the impacts of other past, present, and reasonably foreseeable projects or actions and then considering those cumulative impacts in their entirety. These actions include both transportation and non-transportation activities. Where adverse cumulative impacts are identified, the Draft EIS should disclose the parties that would be responsible for avoiding, minimizing, and mitigating those adverse impacts (CEQ's Forty Most Frequently Asked Questions #19).

#### *Recommendations:*

- The cumulative impact analysis should consider transportation and non-transportation projects such as large-scale developments and approved urban planning projects that are reasonably foreseeable and are identified within city and county planning documents.
- The cumulative impact analysis should describe the "identifiable present effects" to various resources attributed to past actions. The purpose of considering past actions is to determine the current health of resources. This information forms the baseline for assessing potential cumulative impacts and can be used to develop cooperative strategies for resources protection (CEQ's Forty Most Frequently Asked Questions #19). Identify the current condition of the resource as a measure of past impacts. For example, the percentage of wetlands lost to date.
- Identify the future condition of the resource based on an analysis of the cumulative impacts of reasonably foreseeable projects or actions added to existing conditions and current trends. Identify the trend in the condition of the resource as a measure of present impacts. For example, the health of the resource is improving, declining, or stasis.
- The cumulative impact analysis should identify potential large, landscape-level statewide and regional impacts, as well as potential large-scale mitigation measures. The analysis should examine landscape-level impacts to the human and natural environment on a statewide and regional scale. The cumulative impact analysis should guide minimization measures and mitigation efforts. Disclose the parties that will be responsible for avoiding, minimizing, and mitigating impacts, as well as a timeline for implementing mitigation measures.



## Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

- EPA recommends that FRA and CHSRA use Caltrans recently published cumulative impacts guidance, which is applicable to cumulative impact analyses for non-road projects. This guidance can be found at [[http://www.dot.ca.gov/ser/cumulative\\_guidance/purpose.htm](http://www.dot.ca.gov/ser/cumulative_guidance/purpose.htm)].

### **Growth Inducing Analysis**

EPA recommends making both the methodology and the assumptions in the growth inducing analysis as transparent as possible to the public and decision makers.

#### *Recommendations:*

- Identify which land use model will be used, discuss its strengths and weaknesses, and describe why it was selected.
- Identify the assumptions used in the model, the strengths and weaknesses of the assumptions, and why those assumptions were selected. For example, describe which method will be used to allocate growth to analysis zones, its strengths and weaknesses, and why that method was selected.
- Ground truth the results of the land use model by enlisting local expertise involved in land use issues, such as local government officials, land use and transportation planners, home loan officers, and real estate representatives. Use their collective knowledge to validate or modify the results of the land use model.
- Use the results of the growth inducing analysis to inform station locations, and parking lot size and locations, as well as mitigation measures to reduce environmental impacts.
- Identify station locations that are currently zoned for high density development and those that are not. Address potential growth-related mitigation efforts, including incentives for transit-oriented development, measures to increase the capacity of city/county planning efforts, and mechanisms to encourage transit oriented development.
- Use FHWA and Caltrans recently published growth-related impacts guidance, which is applicable to growth-related impact analyses for non-road projects outside of California. This guidance can be found at [[http://www.dot.ca.gov/ser/Growth-related\\_IndirectImpactAnalysis/gri\\_guidance.htm](http://www.dot.ca.gov/ser/Growth-related_IndirectImpactAnalysis/gri_guidance.htm)].

### **Environmental Justice**

Executive Order 12898 addresses Environmental Justice in minority and low income populations, and the Council on Environmental Quality has developed guidance concerning how to address Environmental Justice in the environmental review process (<http://ceq.eh.doe.gov/nepa/regs/ej/justice.pdf>).

## Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

### *Recommendations:*

- Identify how the proposed alternatives may affect the mobility of low-income or minority populations in the surrounding area.
- Provide specific, appropriate mitigation measures for any anticipated adverse impacts to community members.
- Include opportunities for incorporating public input to promote context sensitive design, especially in Environmental Justice communities.

### Water Resources

The Clean Water Act Section 404(b)(1) Guidelines (Guidelines) at 40 CFR Part 230.10(a) state that "...no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." While EPA has concurred that the HST alternative alignments identified in the Final Bay Area to Central Valley Programmatic EIS are "most likely to contain" the least environmentally damaging practicable alternative (LEDPA), FRA and CHSRA will have to demonstrate in the Draft EIS for this Project that potential impacts to waters of the United States have been avoided and minimized to the maximum extent practicable prior to obtaining a CWA Section 404 permit (40 CFR 230.10(a) and 230.10(d)).

### *Recommendations:*

- In the Draft EIS for the San Francisco to San Jose HST Project, follow through with commitments made in the statewide Tier 1 Final Programmatic EIS (Final PEIS), specifically "Avoidance and minimization measures would be incorporated into the development, design, and implementation phases at project-level environmental analysis. In addition, close coordination will occur with the regulatory agencies to develop specific design and construction standards for stream crossings, infrastructure setbacks, monitoring during construction, and other best management practices" (Final PEIS, Page 3.17-25).
- Ensure the mitigation measures as listed in the table starting on page 3.17-28 of the Final PEIS are incorporated in the Draft EIS (see enclosure).
- Demonstrate that all potential impacts to waters of the United States have been avoided and minimized. If these resources cannot be avoided, the Draft EIS analyses should clearly demonstrate how cost, logistical, or technological constraints preclude avoidance and minimization of impacts.
- Identify design measures and modifications to avoid and minimize impacts to water resources. Quantify the benefits achieved for each alternative studied, for example, number of stream crossings avoided, acres of waters of the United States avoided, etc.

## Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

- Identify all protected resources with special designations and all special aquatic sites and waters within state, local, and federal protected lands. Additional steps should be taken to avoid and minimize impacts to these areas.

### **Biological Resources**

EPA is supportive of FRA and CHSRA previous commitments in the statewide Tier 1 Final PEIS that "project-level studies will identify areas where it is important to maintain connectivity and will ensure that sufficient mitigation is included to maintain movement corridors," and "wildlife underpasses or overpasses will be added to the (HST) at-grade alignments, where appropriate, to reduce the overall effects on wildlife corridors and movements" (Final PEIS Appendix 2, Chapter 9, Standard Response 3.15.9). EPA provides the following recommendations to be implemented by FRA and CHSRA for the Draft EIS. Much of the information identified below is now available for FRA and CHSRA to use in landscape-level analyses, and up-front data compilation and coordination with species experts prior to initiation of project-level planning will contribute to a better understanding of the measures needed to reduce impacts to biological resources.

#### *Recommendations:*

- Incorporate information developed for the California Missing Linkages Report and identify how alternatives have been designed to allow for continued wildlife movement:  
[http://scwildlands.org/missinglinks/reports/download\\_missinglinkages.htm](http://scwildlands.org/missinglinks/reports/download_missinglinkages.htm)
- Use data developed for the statewide California Wildlife Action Plan (CWAP) to inform the siting of alternatives and mitigation ideas. Identify in the Draft EIS the specific design changes proposed to avoid resources. The CWAP addresses 800 at-risk species and provides range maps. The range maps for these species are available from the California Department of Fish and Game.  
<http://www.dfg.ca.gov/habitats/WDP/>
- In addition to locating the available data indicating where species ranges may be bisected by the HST system, EPA recommends that FRA and CHSRA facilitate a meeting of scientists and local experts to explore the specific locations and design features for wildlife crossings that are needed.
- Identify the connections that would likely remain after construction of the HST system and highlight these areas as "connectivity zones" for protection and preservation. In the Draft EIS, identify specific commitments for preservation of these corridors through mitigation measures and cooperative agreements.
- Disclose how fencing the train route will affect wildlife movement and discuss how fencing for safety purposes will be integrated with proposed wildlife passages, such as culverts, bridges, viaducts, underpasses, and overpasses.

## Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

### Invasive Species

The proposed Project may include impacts to vegetation within the existing right-of-way and mitigation is proposed as a result of ground disturbance and tree removal. Executive Order 13112 on Invasive Species calls for the restoration of native plant and tree species.

#### *Recommendation:*

- To the extent that this project will entail new landscaping and tree replacement, the mitigation measures should describe how the project will meet the requirements of Executive Order 13112 by using native species. Replacement of trees and revegetation should be coordinated with appropriate city and county urban foresters and native species should be utilized where feasible.

We look forward to maintaining our working relationship with FRA and CHSRA as we continue to coordinate on a proposed HST system for California. If you have any questions, please feel free to contact Connell Dunning, Transportation Team Leader, at 415-947-4161, or Tom Plenys, the lead reviewer for this project. Tom can be reached at 415-972-3238 or [plenys.thomas@epa.gov](mailto:plenys.thomas@epa.gov).

Sincerely,



Tom Plenys  
Environmental Review Office

Enclosure: Mitigation Strategies, Bay Area to Central Valley HST Final Program EIR/EIS

CC: Dan Leavitt, California High Speed Rail Authority  
Mehdi Morshed, California High Speed Rail Authority  
Jane Hicks, Army Corps of Engineers  
Robert Smith, Army Corps of Engineers  
Mark Littlefield, U.S. Fish and Wildlife Service  
Susan K. Moore, U.S. Fish and Wildlife Service  
Ray Sukys, Federal Transit Administration  
Gary Sweeten, Federal Highway Administration  
Marie Pang, Peninsula Corridor Joint Powers Board  
Lindy Lowe, San Francisco Bay Conservation and Development Commission  
Scott Wilson, California Department of Fish and Game  
James B. Richards, Caltrans



## Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

Bay Area to Central Valley HST Final Program EIR/EIS

3.17 Cumulative Impacts

Resource Area	Impact Area	Mitigation Measure
Traffic and circulation	Traffic and circulation	Require that HST system stations serve as multi-modal transportation hubs providing easy connection to local/regional bus, rail, and transit services, as well as providing bicycle and pedestrian access.
		Require the HST system to be grade-separated from all roadways to allow vehicular traffic to flow without impediment from the HST system.
		Work with local and regional agencies to develop and implement transit-oriented development strategies, as described in Chapter 6, around HST stations.
		Work with local and regional agencies to identify, plan, coordinate, and implement traffic flow improvements around HST station locations during project-level planning. Such improvements may include:
		a. a construction phasing and traffic management plan for construction periods;
		b. improving capacity of local streets with upgrades in geometrics such as providing standards roadway lane widths, traffic controls, bicycle lanes, shoulders, and sidewalks;
		c. modifications at intersections, such as signalization and/or capacity improvements (widening for additional left-turn and/or through lanes), and turn prohibitions;
Air quality	Localized air quality impacts due to congestion/traffic near HST stations	d. signal coordination and optimization (including retiming and rephasing);
		e. designation of one-way street patterns near some station locations;
		f. truck route designations; and
		g. coordination with Caltrans regarding nearby highway facilities.
		Work with public transportation providers to coordinate services and to increase service and/or add routes, as necessary, to serve the HST station areas.
	Short-term air quality impacts due to construction	Avoid parking impacts by developing and coordinating implementation at the project-level of parking improvement strategies consistent with local policies, including shared parking, offsite parking with shuttles, parking and curbside use restrictions, parking permit plans for neighborhoods near HST stations, and other parking management strategies.
		Assure that HST stations are multi-modal hubs and include appropriate parking.
		Coordinate with local and regional public transportation providers to increase opportunities for connection between the HST system and other public transportation services.
		Work with local and regional agencies to implement local street and roadway improvements, including various traffic flow improvements and congestion management techniques, and parking management strategies to reduce localized pollution from traffic related to the HST system.
		Water all active construction areas at least twice daily.
		Require that all trucks hauling soil, sand, and other loose materials be covered or maintain at least 2 feet of freeboard.
		Pave, apply water three times daily, or apply nontoxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at active construction sites.
		Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at active construction sites.
		Sweep nearby streets daily (with water sweepers) if visible soil materials from HST system construction are carried onto adjacent public streets.
		Hydroseed or apply nontoxic soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more).
		Enclose, cover, water twice daily, or apply nontoxic soil binders to exposed stockpiles of dirt, sand, etc.
		Limit traffic speeds on unpaved roads to 15 mph.



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3.17 Cumulative Impacts

Resource Area	Impact Area	Mitigation Measure
Noise		Install sand bags or other erosion control measures to prevent silt runoff to public roads.
		Replant vegetation in disturbed areas as quickly as possible.
		Use alternative fuels for construction equipment when feasible.
		Minimize equipment idling time.
		Maintain properly tuned equipment.
	Increased noise from train operations and construction	Grade separations to eliminate grade crossing related noise.
		Noise barriers, such as sound walls, where there are severe noise impacts.
		Require noise reduction in HST equipment design and track structures design.
		Use of enclosures or walls to surround noisy equipment, and installation of mufflers on engines; substituting quieter equipment or construction methods, minimizing time of operation, and locating equipment farther from sensitive receptors.
		Where not already included, consider placing alignment sections in tunnel or trenches or behind berms where possible and where other measures are not available to reduce significant noise impacts.
		Suspend construction between 7:00 pm and 7:00 am and/or on weekends or holidays in residential areas where there are severe noise impacts.
		In managing construction noise, take into account local sound control and noise level rules, regulations, and ordinances.
		Ensure that each internal combustion engine is equipped with a muffler of a type recommended by the manufacturer.
		Specify the use of the quietest available construction equipment where appropriate and feasible.
		Turn off construction equipment during prolonged periods of nonuse.
		Require contractors to maintain all equipment and to train their equipment operators.
		Locate noisy stationary equipment away from noise sensitive receptors.
	Exposure to ground-borne vibration	Specify the use of train and track technologies that minimize ground vibration such as state of the art suspensions, resilient track pads, tie pads, ballast mats, or floating slabs.
		Phase construction activity, use low impact construction techniques, and avoid use of vibrating construction equipment where possible to avoid vibration construction impacts.
Energy	Increased energy use and electricity demand with the HST system	HST stations will be multi-modal hubs providing linkage for various transportation modes, which will contribute to increased efficiency of energy use for intercity trips and by commuters, and the stations will be required to be constructed to meet Title 24 California Code of Regulations energy efficiency standards.
		Design practices will require that the electrically powered HST technology be energy efficient, include regenerative braking to reduce energy consumption, and minimize grade changes in steep terrain to reduce energy consumption.
		Design practices will require that localized impacts be avoided through planning and design of the power distribution system for the HST system.
		Locate HST maintenance and storage facilities within proximity to major stations/termini.
	Energy use during construction of the HST system	Develop and implement a construction energy conservation plan.
		Use energy efficient construction equipment and vehicles.
		Locate construction material production facilities on site or in proximity to project construction sites.



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3.17 Cumulative Impacts

Resource Area	Impact Area	Mitigation Measure
		Develop and implement a program encouraging construction workers to carpool or use public transportation for travel to and from construction sites.
Electromagnetic fields and electromagnetic interference	Exposure of electromagnetic fields to HST system workers, passengers, and nearby residents, schools and other facilities	Use standard design practices for overhead catenary power supply systems and vehicles, including appropriate materials, location and spacing of facilities, and power supply systems to minimize exposure to receptors over distance, and shielding with vegetation and other screening materials.
		Design overhead catenary system, substations, and transmission lines to reduce the electromagnetic fields to a practical minimum.
	Electromagnetic interference with electronic and electrical devices	Design the overhead catenary system, substations, and transmission lines to reduce the electromagnetic fields to a practical minimum.
		Design the project component to minimize arcing and radiation of radiofrequency energy.
		Choose devices generating radio frequency with a high degree of electromagnetic compatibility.
		Where appropriate, add electronic filters to attenuate radio frequency interference.
		Relocate receiving antennas and use antenna models with greater directional gain where appropriate, particularly for sensitive receptors near the HST system.
		Comply with the FCC regulations for intentional radiators, such as the proposed HST wireless systems.
Land use	Incompatibility with land uses and disruption to communities	Establish safety criteria and procedures and personnel practices to avoid exposing employees with implantable medical devices to EMF levels that may cause interference with such implanted biomedical devices.
		Continue to apply design practices to minimize property needed for the HST system and to stay within or adjacent to existing transportation corridors to the extent feasible.
		Work with local governments to consider local plans and local access needs, and to apply design practices to limit disruption to communities.
		Work with local governments to establish requirements for station area plans and opportunities for transit-oriented development.
		Work with local governments to enhance multi-modal connections for HST stations.
		Coordinate with cities and counties to ensure that HST facilities will be consistent with land use planning processes and zoning ordinances.
		Provide opportunities for community involvement early in project-level studies.
		Hold design workshops in affected neighborhoods to develop understanding of vehicle, bicycle, and pedestrian linkages in order to preserve those linkages through use of grade-separated crossings and other measures.
		Ensure that connectivity is maintained across the rail corridor (pedestrian/bicycle and vehicular crossings) where necessary to maintain neighborhood integrity.
		Develop facility, landscape, and public art design standards for HST corridors that reflect the character of adjacent affected neighborhoods.
	Impacts to neighborhoods during construction	Maintain high level of visual quality of HST facilities in neighborhood areas by implementing such measures as visual buffers, trees and other landscaping, architectural design, and public artwork.
		Develop a traffic management plan to reduce barrier effects during construction.
Agricultural	Conversion of	To the extent feasible, maintain connectivity during construction.
		Avoid farmland whenever feasible during the conceptual design stage of the project.



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3.17 Cumulative Impacts

Resource Area	Impact Area	Mitigation Measure
lands	prime, statewide important, and unique farmlands, and farmlands of local importance, to project uses	Reduce the potential for impacts by sharing existing rail rights-of-way where feasible or by aligning HST features immediately adjacent to existing rail rights-of-way.
		Reduce the potential for impacts by reducing the HST right-of-way width to 50 feet in constrained areas.
		Increase protection of existing important farmlands by securing easements or participating in mitigation banks.
		Coordinate with and support the California Farmland Conservancy Program to secure conservation easements on farmland in geographic areas where the HST project creates impacts.
		Coordinate with private agricultural land trusts, local programs, mitigation banks, and Resource Conservation Districts to identify additional measures to limit important farmland conversion or provide further protection to existing important farmland.
	Severance of prime, statewide important, and unique farmlands, and farmlands of local importance, to project uses	Avoid farmland whenever feasible during the conceptual design stage of the project.
		Minimize severance of agricultural land by constructing underpasses and overpasses at reasonable intervals to provide property access.
		Work with landowners during final design of the system to enable adequate property access.
		Provide appropriate severance payments to landowners.
	Aesthetics and visual resources	At the project-level, design proposed facilities that are attractive in their own right and that will integrate well into landscape contexts, so as to reduce potential view blockage, contrast with existing landscape settings, light and shadow effects, and other potential visual impacts.
		Design bridges and elevated guideways with graceful lines and minimal apparent bulk and shading effects.
		Design elevated guideways, stations, and parking structures with sensitivity to the context, using exterior materials, colors, textures, and design details that are compatible with patterns in the surrounding natural and built environment, and that minimize the contrast of the structures with their surroundings.
		Use neutral colors and dulled finishes that minimize reflectivity for catenary support structures, and design them to fit the context of the specific locale.
		Use aesthetically appropriate fencing along rights-of-way, including decorative fencing, where appropriate, and use dark and non-reflective colors for fencing to reduce visual contrast.
		Where at-grade or depressed route segments pass through or along the edge of residential areas or heavily traveled roadways, install landscape treatments along the edge of the right-of-way to provide partial screening and to visually integrate the right-of-way into the residential context.
		Use the minimum amount of night lighting consistent with that necessary for operations and safety.
		Use shielded and hooded outdoor lighting directed to the area where the lighting is required, and use sensors and timers for lights not required to be on all the time.
		Design stations to minimize potential shadow impacts on adjacent pedestrian areas, parks, and residential areas, and site all structures in a way that minimizes shadow effects on sensitive portions of the surrounding area.
		Seed and plant areas outside the operating rail trackbed that are disturbed by cut, fill, or grading to blend with surrounding vegetated areas, where the land will support plants. Use native vegetation in appropriate locations and densities.



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3.17 Cumulative Impacts

Resource Area	Impact Area	Mitigation Measure
		Use strategic plantings of fast-growing trees to provide partial or full screening of elevated guideways where they are close to residential areas, parks, and public open spaces.
		Where elevated guideways are located down the median strips or along the edge of freeways or major roadways, use appropriate landscaping of the area under the guideway to provide a high level of visual interest. Landscaping in these areas should use attractive shrubs and groundcovers and should emphasize the use of low-growing species to minimize any additional shadow effects or blockage of views.
		Plan hours of construction operations and locate staging sites to minimize impacts to adjacent residents and businesses.
Public utilities		Make adjustments to the HST alignments and vertical profiles to avoid crossing or using major utility right-of-way or fixed facilities during engineering design.
		If avoidance is not feasible, in consultation and coordination with the utility owner, relocate or protect in-place transmission lines, substations, and any other affected facilities.
		For acquisition projects which result in utility relocation, follow the uniformity and equitable treatment policies, and comply with the requirements, of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 for all property necessary for the proposed HST system.
Hazardous materials and wastes		Investigate soils and groundwater for contamination and prepare environmental site assessments when necessary.
		Design realignment of the HST corridors to avoid identified sites.
		Relocate HST associated facilities such as stations to avoid identified sites.
		Remediate identified hazardous materials and hazardous waste contamination.
		Prior to demolition of buildings for project construction, survey for lead-based paint and asbestos-containing materials.
		Follow BMPs for testing, treating, and disposing of water, and acquire necessary permits from the regional water quality control board, if ground dewatering is required.
		When indicated by project-level environmental site assessments, perform Phase II environmental site assessments in conformance with the ASTM Standards related to the Phase II Environmental Site Assessment Process to identify specific mitigation measures.
		Prepare a Site Management Program/Contingency Plan prior to construction to address known and potential hazardous material issues, including:
		a. measures to address management of contaminated soil and groundwater;
		b. a site-specific Health and Safety Plan (HASP), including measures to protect construction workers and general public; and
		c. procedures to protect workers and the general public in the event that unknown contamination or buried hazards are encountered.
		As part of the second-tier environmental review, consider impacts to the environment on sites identified on the Cortese list (Government Code Section 65962.4) at that time.
Cultural and paleontological resources	Impacts to archaeological resources and traditional cultural properties	Avoid the impact, or when avoidance cannot be accommodated, minimize the scale of the impact.
		Incorporate the site into parks or open space.
		Provide data recovery for archaeological resources, which may include excavation of an adequate sample of the site contents so that research questions applicable to the site can be addressed.



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3.17 Cumulative Impacts

Resource Area	Impact Area	Mitigation Measure
		Develop procedures for fieldwork, identification, evaluation, and determination of potential effects to archaeological resources in consultation with SHPO and Native American tribes. Procedures may include onsite monitoring when sites are known or suspected of containing Native American human remains and be reflected in Memoranda of Agreement with appropriate bodies.
		Coordinate and consult with tribal representatives.
	Impacts to historic properties/resources	Avoid the impact through project design. Prepare and utilize a treatment plan for protection of historic properties/resources that will describe methods to preserve, stabilize, shore/underpin, and monitor buildings, structures, and objects.
		Avoid high vibration construction techniques in sensitive areas.
		Record and document cultural resources that would be adversely affected by the project to the standards of the Historic American Building Survey or Historic American Engineering Record.
		Develop design guidelines to ensure sympathetic, compatible, and appropriate designs for new construction.
		Consult with architectural historians or historical architects to advise on appropriate architectural treatment of the structural design of proposed new structures. Prepare interpretive and/or educational materials and programs regarding the affected historic properties/resources. Materials may include: a popular report, documentary videos, booklets, and interpretive signage.
		Make interpretive information available to state and local agencies, such as salvage items, historic drawings, interpretive drawings, current and historic photographs, models, and oral histories. Also assist with archiving and digitizing the documentation of the cultural resources affected and disseminating material to the appropriate repositories.
		Relocate and rehabilitate historic properties/resources that would otherwise be demolished because of the project.
		Monitor project construction to ensure it conforms to design guidelines and any other treatment procedures agreed to by the parties consulting pursuant to Section 106 of the National Historic Preservation Act. Repair inadvertent damage to historic properties/resources in accordance with the Secretary of the Interior's Standards for Treatment of Historic Properties.
		Salvage selected decorative or architectural elements of the adversely affected historic properties/resources, and retain and incorporate salvaged items into new construction where possible. If reuse is not possible, make salvaged items available for use in interpretive displays near the affected resources or in an appropriate museum.
		Implement an agreement with appropriate bodies specifying procedures for addressing historic resources which may be affected by the HST system.
	Impacts to paleontological resources	Educate workers.
		Recover fossils identified during the field reconnaissance.
		Monitor construction.
Geology and soils	Seismic hazards	Develop protocols for handling fossils discovered during construction, such as temporary diversion of construction equipment so that the fossils could be recovered, identified, and prepared for dating, interpreting, and preserving at an established, permanent, accredited research facility.
		Design structures to withstand anticipated ground motion, using design options such as redundancy and ductility.
		Prevent liquefaction and resulting structural damage and traffic hazards using: 1. ground modification techniques such as soil densification; and 2. structural design, such as deep foundations.



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3.17 Cumulative Impacts

Resource Area	Impact Area	Mitigation Measure
		Utilize motion sensing instruments to provide ground motion data and a control system to temporarily shut down HST operations during or after an earthquake to reduce risks.
		Design and engineer all structures for earthquake activity using Caltrans Seismic Design Criteria.
		Design and install foundations resistant to soil liquefaction and settlement.
		Identify potential serpentinite bedrock disturbance areas and implement a safety plan.
		Apply Section 19 requirements from the most current Caltrans Standard Specifications to ensure geotechnically stable slopes are planned and created.
		Install passive or active gas venting systems and gas collection systems in areas where subsurface gases are identified.
		Remove corrosive soil and use corrosion protected materials in infrastructure.
		Address erosive soils through soil removal and replacement, geosynthetics, vegetation, and/or riprap, where warranted.
		Remove or moisture condition shrink/swell soils.
		Utilize stone columns, grouting, and deep dynamic compaction in areas of potential liquefaction.
		Utilize buttress berms, flattened slopes, drains, and/or tie-backs in areas of slope instability.
		Avoid settlement through preloading, use of stone columns, deep dynamic compaction, grouting, and/or special foundation designs.
	Surface rupture hazards	Install early warning systems triggered by strong ground motion associated with ground rupture, such as linear monitoring systems (i.e., time domain reflectometers) along major highways and rail lines within the zone of potential rupture to provide early warnings and allow for temporary control of rail and automobile traffic to avoid and reduce risks.
		Continue to modify alignments to avoid crossing known or mapped active faults within tunnels.
		Avoid active faults to the extent possible. Where avoidance is not possible, cross active faults at grade and perpendicular to the fault line.
	Slope instability	Install temporary and permanent slope reinforcement and protection, based on geotechnical investigations, and review of proposed earthwork and foundation excavation plans.
		Conduct geotechnical inspections during construction to verify that no new unanticipated conditions are encountered.
		Incorporate slope monitoring in final design.
	Difficulty in excavation	Identify areas of potentially difficult excavation to ensure safe practices.
		Focus future geotechnical engineering and geologic investigations in areas of potentially difficult excavation.
		Monitor conditions during and after construction.
	Hazards related to oil and gas fields	Employ tunnel excavation and lining techniques to ensure safety.
		Follow federal and state Occupational Safety and Health Administration regulatory requirements for excavations.
		Consult with other agencies such as the Department of Conservation's Division of Oil and Gas, or the Department of Toxic Substances Control regarding known areas of concern.
		Use safe and explosion-proof equipment during construction.



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Bay Area to Central Valley HST Final Program EIR/EIS

3.17 Cumulative Impacts

Resource Area	Impact Area	Mitigation Measure
Hydrology and water resources		Test for gases regularly.
		Install monitoring systems and alarms in underground construction areas and facilities where subsurface gases are present.
		Install gas barrier systems.
	Impacts on floodplains	Avoid or minimize construction of facilities within floodplains where feasible.
		Minimize the footprint of facilities within the floodplain through design changes or the use of aerial structures and tunnels.
		Restore the floodplain to its prior operation in instances where the floodplain is affected by construction.
	Impacts on surface waters	Use construction methods and facility designs to minimize the potential encroachments onto surface water resources.
		Minimize sediment transport caused by construction by following BMPs as part of NPDES and SWPPP requirements that will be included in construction permits. BMPs may include measures such as:
		a. providing permeable surfaces where feasible;
		b. retaining and treating stormwater on site using catch basins and filtering wet basins;
		c. minimizing the contact of construction materials, equipment, and maintenance supplies with stormwater;
		d. reducing erosion through soil stabilization, watering for dust control, installing perimeter silt fences, placing rice straw bales, and installing sediment basins;
		e. maintaining water quality by using infiltration systems, detention systems, retention systems, constructed wetland systems, filtration systems, biofiltration/bioretenion systems, grass buffer strips, ponding areas, organic mulch layers, planting soil beds, sand beds, and vegetated systems such as swales and grass filter strips that are designed to convey and treat either fallow flow (swales) or sheetflow (filter strips) runoff.
		Use methods such as habitat restoration, reconstruction of habitat on site, and habitat replacement off site to minimize surface water quality impacts.
		Comply with mitigation measures included in permits issued under Sections 404 and 401 of the federal Clean Water Act.
		Comply with requirements in the SWPPP to reduce pollutants in storm water discharges and the potential for erosion and sedimentation.
		Comply with requirements of Section 10 of the federal Rivers and Harbors Act for work required around a water body designated as navigable and applicable permit requirements.
		Comply with the requirements of a state Streambed Alteration Agreement for work along the banks of various surface water bodies.
	Impacts on groundwater	Implement a spill prevention and emergency response plan to handle potential fuel or other spills.
		Where feasible, avoid significant development of facilities in areas that may have substantial erosion risk, including areas with erosive soils or steep slopes.
		Minimize development of facilities in areas that may have substantial groundwater discharge or affect recharge.
		Apply for, obtain, and comply with conditions of applicable waste discharge requirements as part of project-level review.
		Develop facility designs that are elevated, or at a minimum are permeable, and will not affect recharge potential where construction is required in areas of potentially substantial groundwater discharge or recharge.



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# Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

Bay Area to Central Valley HST Final Program EIR/EIS

3.17 Cumulative Impacts

Resource Area	Impact Area	Mitigation Measure
		<p>Apply for and obtain a SWPPP for grading, with BMPs that will control release of contaminants near areas of surface water or groundwater recharge. BMPs may include constraining fueling and other sensitive activities to alternative locations, providing drip plans under some equipment, and providing daily checks of vehicle condition.</p> <p>Use and retain native materials with high infiltration potential at the ground surface in areas that are critical to infiltration for groundwater recharge.</p>
Biological resources and wetlands	Impacts to sensitive vegetation communities (as defined at the project level)	Utilize existing transportation corridors and rail lines to minimize potential impacts.
		Use large diameter tunnels as part of the design to limit surface access needs in tunnels for ventilation or evacuation, as a method to avoid or limit impacts to vegetation and habitat above tunnels.
		Use in-line construction (i.e., use new rail infrastructure as it is built) to transport equipment to/from the construction site and to transport excavated material away from the construction to appropriate re-use or disposal sites to minimize impacts from construction access roads on vegetation/habitat.
		Accomplish necessary geologic exploration in sensitive areas by using helicopters to transport drilling equipment and for site restoration to minimize surface disruption.
		Use and reuse excavated materials within the confines of the project.
		Participate in or contribute to existing or proposed conservation banks or natural management areas, including possible acquisition, preservation, or restoration of habitats.
		Revegetate/restore impacted areas, with a preference for onsite mitigation over offsite, and with a preference for offsite mitigation within the same watershed or in close proximity to the impact where feasible.
		Comply with the Biological Resources Management Plan(s) developed or identified during project-level studies, as reviewed by the USFWS, CDFG, and USACE.
		Conduct preconstruction focused biological surveys.
		Conduct biological construction monitoring.
		Undertake plant relocation, seed collection, plant propagation, and outplanting at suitable mitigation sites.
		Prevent the spread of weeds during construction and operation by identifying areas with existing weed problems and measures to control traffic moving out of those areas such as cleaning construction vehicles or limiting the movement of fill.
	Impacts to wildlife movement corridors	Construct wildlife underpasses, bridges, and/or large culverts to facilitate known wildlife movement corridors.
		Ensure that wildlife crossings are of a design, shape, and size to be sufficiently attractive to encourage wildlife use.
		Provide appropriate vegetation to wildlife overcrossings and undercrossings to afford cover and other species requirements.
		Establish functional corridors to provide connectivity to protected land zoned for uses that provide wildlife permeability.



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Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

Bay Area to Central Valley HST Final Program EIR/EIS

3.17 Cumulative Impacts

Resource Area	Impact Area	Mitigation Measure
		Design protective measures for wildlife movement corridors using the following process in consultation with resource agencies:
		a. identify the habitat areas the corridor is designed to connect;
		b. select several species of interest from the species present in the area;
	Impacts to nonwetland jurisdictional waters	c. evaluate the relevant needs of each selected species;
		d. for each potential corridor, evaluate how the area will accommodate movement by each species of interest;
		e. draw the corridors on a map; and
		f. design a monitoring program.
		Utilize existing transportation corridors and rail lines to minimize potential impacts.
		Use aerial structures or tunnels to allow for unhindered crossing by wildlife.
		Utilize existing transportation corridors and rail lines to minimize potential impacts.
		Return degraded habitat to pre-existing conditions.
		Create new habitat by converting nonwetland habitats into wetland or other aquatic habitat.
		Enhance existing habitats by increasing one or more functions through activities such as plantings or nonnative vegetation eradication.
		Provide for passive revegetation by allowing a disturbed area to revegetate naturally.
		Purchase credits in an existing wetlands or aquatic habitat mitigation bank.
		Provide in-lieu fee payments to an agency or other entity who will provide aquatic habitat conservation or restoration.
		Prefer onsite mitigation over offsite mitigation, and for offsite mitigation, prefer that it be located within the same watershed or as close in proximity to the area of impact as possible.
	Impacts to wetlands	Utilize existing transportation corridors and rail lines to minimize potential impacts.
		Return degraded habitat to pre-existing conditions.
		Create new habitat by converting nonwetland habitats into wetland or other aquatic habitat.
		Enhance existing habitats by increasing one or more functions through activities such as plantings or nonnative vegetation eradication.
		Provide for passive revegetation by allowing a disturbed area to revegetate naturally.
		Purchase credits in an existing wetlands or aquatic habitat mitigation bank.
		Provide in-lieu fee payments to an agency or other entity who will provide aquatic habitat conservation or restoration.
		Develop and implement measures to address the "no net loss" policy for wetlands.
	Impacts to marine and anadromous fishery resources	Prefer onsite mitigation over offsite mitigation, and for offsite mitigation, prefer that it be located within the same watershed or as close in proximity to the area of impact as possible.
		Utilize existing transportation corridors and rail lines to minimize potential impacts.
		Comply with the terms of a Streambed Alteration Agreement for work along banks of surface water bodies.
		Implement a spill prevention and emergency response plan to handle potential fuel or other spills.
		Incorporate biofiltration swales to intercept runoff.



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## Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

Bay Area to Central Valley HST Final Program EIR/EIS

3.17 Cumulative Impacts

Resource Area	Impact Area	Mitigation Measure
	Impacts to special status species	Where feasible, avoid significant development of facilities in areas that may have substantial erosion risk, including areas with erosive soils and steep slopes.
		Utilize existing transportation corridors and rail lines to minimize potential impacts.
		Relocate sensitive species.
		Conduct preconstruction focused surveys.
		Conduct biological construction monitoring.
		Restore suitable breeding and foraging habitat.
		Purchase credits from an existing mitigation bank.
		Participate in an existing Habitat Conservation Plan.
		Phase construction around the breeding season.
Public parks and recreation resources	Impacts to parks and recreational resources	Continue to apply design practices to avoid impacts to park resources, and when avoidance cannot be accommodated, minimize the scale of the impact.
		Apply measures at the project level to reduce and minimize indirect/proximity impacts as appropriate for the particular sites affected, while avoiding other adverse impacts (e.g., visual), such as noise barriers, visual buffers, and landscaping.
		Apply measures to modify access to/egress from the recreational resource to reduce impacts to these resources.
		Design and construct cuts, fill, and aerial structures to avoid and minimize visual impacts to units of the state park system.
		Incorporate wildlife under- or overcrossings at appropriate intervals as necessary.
		Where public parklands acquired with public funds will be acquired for nonpark use as part of the HST system, commit as required by law to providing funds for the acquisition of substantially equivalent substitute parkland or to acquiring/providing substitute parkland of comparable characteristics for construction impacts.
		Restore affected parklands to natural state and replace or restore affected park facilities.
		If park facilities must be relocated, provide planning studies as well as appropriate design and replacement with minimal impact on park use.
		Use local native plants for revegetation.
		Develop and implement construction practices, including scheduling, to limit impacts to wildlife, wildlife corridors, and visitor use areas within public parks.
Cumulative	Impacts on traffic and circulation and travel conditions	The following program-level mitigation strategies can be developed, in consultation with state, federal, regional, and local governments and affected transit agencies, to improve the flow of intercity travel on the primary routes and access to the proposed stations or airports and would reduce this impact:
		<ol style="list-style-type: none"> <li>1. Regional strategies will include coordination with Regional Transportation planning and Intelligent Transportation System Strategies.</li> <li>2. Local improvements could employ TSM/Signal Optimization; local spot widening of curves; and major intersection improvements.</li> </ol> <p>The following program-level mitigation strategies can be developed, in consultation with state, federal, regional, and local governments and affected transit agencies, to improve the flow of intercity travel on the primary routes and access to the proposed stations or airports and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Regional strategies would include coordination with Regional Transportation planning and Intelligent Transportation System Strategies.</li> <li>2. Local improvements could employ TSM/Signal Optimization; local spot widening of curves; and major intersection improvements.</li> </ol>



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# Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

Bay Area to Central Valley HST Final Program EIR/EIS

3.17 Cumulative Impacts

Resource Area	Impact Area	Mitigation Measure
	Impacts on air quality	<p>The project-level mitigation strategies to address localized impacts can include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Increase emission controls from power plants supplying power for the HST alignment.</li> <li>2. Design the system to utilize energy efficient, state-of-the-art equipment.</li> <li>3. Promote increased use of public transit, alternative fueled vehicles, and parking for carpools, bicycles, and other alternative transportation methods.</li> <li>4. Alleviate traffic congestion around passenger station areas.</li> <li>5. Minimize construction air emissions.</li> </ol>
	Impacts on noise and vibration	<p>The program-level mitigation strategies include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Design practices emphasizing the use of tunnels or trenches.</li> <li>2. Use of electric powered trains, higher quality track interface, and smaller, lighter, and more aerodynamic trainsets.</li> <li>3. Full grade separations from all roadways.</li> </ol> <p>The project-level mitigation strategies include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Treatments for insulation of buildings affected by noise and vibration.</li> <li>2. Sound barrier walls within the right-of-way.</li> <li>3. Track treatments to minimize train vibrations.</li> <li>4. Construction mitigation.</li> </ol>
	Impacts on land use and planning, communities and neighborhoods, property, and environmental justice	<p>The program-level mitigation strategies for HST alignment contributions to the land use impacts include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Design practices to maximize use of existing rights-of-way and incorporating strategies for stations to incorporate transit-oriented design.</li> <li>2. Coordination with cities and counties in each region to ensure that project facilities will be consistent with land use planning processes and zoning ordinances.</li> </ol>
	Impacts on agricultural lands	<p>The program-level mitigation strategies include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Design practices to avoid agricultural land conversion through maximizing use of existing rights-of-way to minimize encroachment on additional agricultural lands.</li> <li>2. Utilizing aerial structure or tunnel alignments to allow for vehicular and pedestrian traffic access across the alignment.</li> <li>3. Reducing the new right-of-way to 50 feet in constrained areas.</li> </ol> <p>The project-level mitigation strategies include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Securing easements.</li> <li>2. Participating in mitigation banks.</li> <li>3. Increasing permanent protection of farmlands at the local planning level.</li> <li>4. Coordinating with various local, regional, and state agencies support farmland conservation programs.</li> </ol>
	Impacts on aesthetics and visual resources	<p>The program-level mitigation strategies include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Design practices that will incorporate local agency and community input during subsequent project-level environmental review in order to develop context sensitive aesthetic designs and treatments for infrastructure.</li> </ol>



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# Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

Bay Area to Central Valley HST Final Program EIR/EIS

3.17 Cumulative Impacts

Resource Area	Impact Area	Mitigation Measure
		<p>The project-level mitigation strategies include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Design of facilities that integrate into landscape contexts, which will reduce potential view blockage, contrast with existing landscape settings, and light and shadow effects.</li> </ol>
	Impacts on public utilities	<p>The program-level mitigation strategies include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Design practices that will avoid potential conflicts, at the project-level analysis, to the extent feasible and practical. These practices include design methods to avoid crossing or using utility rights-of-way by modifying both the horizontal and vertical profiles of proposed transportation improvements. Emphasis will be placed on detailed alignment design to avoid potential contribution to cumulative impacts from linear facilities on land use opportunities and to minimize conflicts with existing major fixed public utilities and supporting infrastructure facilities.</li> </ol> <p>The project-level mitigation strategies include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Coordination with utility representatives during construction in the vicinity of critical infrastructure will occur.</li> </ol>
	Impacts on cultural and paleontological resources	<p>The program-level mitigation strategies include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Continued consultation with SHPO will occur to define and describe general procedures to be applied in the future for fieldwork, method of analysis, and the development of specific mitigation measures to address effects and impacts to cultural resources, resulting in a programmatic agreement between the Authority, FRA, and SHPO.</li> <li>2. Consultation with Native American tribes will occur.</li> </ol> <p>The project-level mitigation strategies include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Avoidance measures through identification of sensitive resources within the project-level analysis, project design refinement, and careful selection of alignments.</li> <li>2. Subsequent project-level field studies to verify the location of cultural resources will offer opportunities to avoid or minimize direct impacts on resources, based on the type of project, type of property, and impacts to the resource.</li> </ol>
	Impacts on geology and soils	<p>The program-level mitigation strategies include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Design practices will be used while preparing extensive alignment studies to ensure that potential effects related to major geologic hazards such as major fault crossings, oil fields, and landslide areas will be avoided.</li> <li>2. Mitigation for potential impacts will be developed on a site-specific basis, based on detailed geotechnical studies to address ground shaking, fault crossings, slope stability/landslides, areas of difficult excavation, hazards related to oil and gas fields, and mineral resources.</li> </ol>
	Impacts on hydrology and water resources	<p>The program-level mitigation strategies include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Design practices to maximize use of existing rights-of-way to minimize potential impacts on water resources.</li> </ol>



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## Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

Bay Area to Central Valley HST Final Program EIR/EIS

3.17 Cumulative Impacts

Resource Area	Impact Area	Mitigation Measure
		<p>The project-level mitigation strategies include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Avoidance and minimization measures will be incorporated into the development, design, and implementation phases.</li> <li>2. Close coordination will occur with the regulatory agencies to develop specific design and construction standards for stream crossings, infrastructure setbacks, erosion control measures, sediment controlling excavation/fill practices, and other best management practices.</li> <li>3. Mitigation strategies specific to reconstruction, restoration, or replacement of the resource will occur, in close coordination with state and federal resource agencies, related to flood plains; surface waters, runoff, and erosion; and groundwater.</li> </ol>
	Impacts on biological resources and wetlands	<p>The program-level mitigation strategies include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Design practices to maximize use of existing rights-of-way to minimize potential impacts on biological resources and wetlands.</li> </ol> <p>The project-level mitigation strategies include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Avoidance and minimization measures will be incorporated into the development, design, and implementation phases.</li> <li>2. Close coordination will occur with the regulatory agencies to develop specific design and construction standards for stream crossings, infrastructure setbacks, monitoring during construction, and other best management practices.</li> <li>3. Mitigation strategies specific to reconstruction, restoration, or replacement of the resource will occur, in close coordination with state and federal resource agencies, related to wetlands.</li> <li>4. Field studies will be conducted to verify the location, in relation to the HST alignments, of sensitive habitat, wildlife movement corridors, and wetlands. These studies will provide further opportunities to minimize and avoid potential impacts on biological resources through changes to the alignment plan and profile in sensitive areas. For example, the inclusion of design features such as elevated track structures over drainages and wetland areas and wildlife movement corridors will minimize potential impacts to wildlife and sensitive species.</li> </ol>
	Impacts on Section 4(f) and 6(f) resources (public parks and recreational resources)	<p>The program-level mitigation strategies include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Incorporation of sound barriers (e.g., walls, berms, or trenches), visual buffers/landscaping, and modification of transportation access to/egress from the public lands and recreational resource.</li> <li>2. Incorporation of design modifications or controls on construction schedules, phasing, and activities.</li> </ol>



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## Submission F001 (Carolyn Mulvihill, United States Environmental Protection Agency, June 1, 2016) - Continued

Bay Area to Central Valley HST Final Program EIR/EIS

3.17 Cumulative Impacts

Resource Area	Impact Area	Mitigation Measure
		<p>The project-level mitigation strategies include the following and would reduce this impact:</p> <ol style="list-style-type: none"> <li>1. Beautification measures.</li> <li>2. Replacement of land or structures or their equivalents on or near their existing site(s).</li> <li>3. Tunneling, cut and cover, and cut and fill of right-of-ways.</li> <li>4. Treatment of embankments.</li> <li>5. Planting, screening, creating wildlife corridors, acquisition of land for preservation, and installation of noise barriers.</li> <li>6. Establishment of pedestrian or bicycle paths.</li> <li>7. Other potential mitigation strategies identified during the public input process.</li> </ol> <p>In the event that HST alignments or facilities are located within or in close proximity to public parks, the following mitigations for natural, cultural, aesthetic, and recreational impacts may be considered to offset the contribution to the cumulative impact, including but not limited to:</p> <ol style="list-style-type: none"> <li>1. Compensation for temporary and loss of park and recreation use.</li> <li>2. Recordation of any historic features removed.</li> <li>3. If necessary, provide alternative shuttle access service to park visitors.</li> <li>4. Restore directly impacted park lands to a natural state.</li> <li>5. If any facilities must be relocated, provide planning studies as well as design and appropriate replacement with minimal impact on park use.</li> <li>6. Inventory and record affected historic structures. Provide appropriate mitigation for adverse effects to historic structures.</li> <li>7. Require appropriate vehicle cleaning for all construction equipment used near units of the California State Park System to protect against spreading exotic plants or disease.</li> <li>8. Use local native plants for revegetation.</li> <li>9. Design and construct cuts, fills, and aerial structures to avoid and minimize visual impact to units of the State Park System.</li> <li>10. In addressing impacts to wildlife movement corridors and habitat directly related to California State Park System units, consult with the California Department of Parks and Recreation.</li> <li>11. Incorporate wildlife under- or overcrossings as necessary.</li> <li>12. Adopt construction practices to protect critical wildlife corridors and visitor use areas within public parks.</li> </ol>



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## **Appendix A.2**

### **State Agency Comments**

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Submission S001 (Scott Wilson, California Department of Fish and Wildlife,  
May 31, 2016)

State of California  
Department of Fish and Wildlife

Governor's Office of Planning & Research



**Memorandum**

JUN 01 2016

STATE CLEARINGHOUSE

Date: May 31, 2016

To: Mr. Mark McLoughlin  
California High Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

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From: *Scott Wilson*  
Mr. Scott Wilson, Regional Manager  
California Department of Fish and Wildlife-Bay Delta Region, 7329 Silverado Trail, Napa, CA 94558

Subject: San Francisco to San Jose High Speed Rail Blended System Project, Notice of Preparation,  
SCH# 2016052019

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation of a Draft Environmental Impact Report (Draft EIR) from the California High Speed Rail Authority (CAL HSR Authority) for the San Francisco to San Jose High Speed Rail Blended System Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW ROLE**

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the state. [Fish and Game Code, §§ 711.7, subd. (a) and 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802). Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

**PROJECT DESCRIPTION SUMMARY**

**Proponent:** California High Speed Rail Authority

**Summary:** The San Francisco to San Jose High Speed Rail (HSR) Blended System Project (Project) would follow the Caltrain right-of-way from San Francisco to San Jose, sharing track with Caltrain. It would utilize existing and in-progress infrastructure developed by

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

## Submission S001 (Scott Wilson, California Department of Fish and Wildlife, May 31, 2016) - Continued

Mr. Mark McLoughlin

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May 31, 2016

Caltrain for its electrification project, but would require additional construction above and beyond electrification. The Project is anticipated to include track improvements to support higher speeds, curve straightening, passing tracks, a terminal storage facility, and grade crossing safety improvements. The train would operate at up to 110 mph, with up to four high speed trains per hour/per direction during the peak period. HSR stations would be located at 4<sup>th</sup> and King, Millbrae and San Jose Diridon. These existing stations would be upgraded with raised and straightened platforms, safety features, and passenger facilities.

**Location:** Within the Caltrain right-of-way from San Francisco to San Jose, with additional improvements along the line

**Timeframe:** Not specified

### COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the CAL HSR Authority in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish, plants and wildlife (biological) resources in the Draft EIR.

#### Environmental Setting

The environmental setting should contain sufficient information to understand the Project's, and its alternatives', significant impacts on the environment (CEQA Guidelines, §§15125 and 15360).

According to a preliminary search of the California Natural Diversity Database (CNDDB), fully protected, threatened or endangered, candidate, and other special-status species that are known to occur, or that have the potential to occur in or near the Project area, include, but are not limited to the species listed below.

Common Name	Scientific Name	Status
California tiger salamander	<i>Ambystoma californiense</i>	FT, ST, SSC
California red-legged frog	<i>Rana draytonii</i>	FT, SSC
California clapper rail	<i>Rallus longirostris obsoletus</i>	FE, SE, FP
western snowy plover	<i>Charadrius alexandrinus nivosus</i>	FT, SSC
Alameda song sparrow	<i>Melospiza melodia pusillula</i>	SSC
longfin smelt	<i>Spirinchus thaleichthys</i>	FC, ST
hoary bat	<i>Lasiurus cinereus</i>	
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	SC, SSC
pallid bat	<i>Antrozous pallidus</i>	SSC
Santa Cruz kangaroo rat	<i>Dipodomys venustus venustus</i>	
American badger	<i>Taxidea taxus</i>	SSC
western pond turtle	<i>Emys marmorata</i>	SSC
San Francisco garter snake	<i>Thamnophis sirtalis tetrataenia</i>	FE, SE, FP
sandy beach tiger beetle	<i>Cicindela hirticollis gravida</i>	
Ricksecker's water scavenger beetle	<i>Hydrochara rickseckeri</i>	
Stage's dufourine bee	<i>Dufourea stagei</i>	
western bumble bee	<i>Bombus occidentalis</i>	
obscure bumble bee	<i>Bombus caliginosus</i>	

Submission S001 (Scott Wilson, California Department of Fish and Wildlife,  
May 31, 2016) - Continued

Mr. Mark McLoughlin

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Crotch bumble bee	<i>Bombus crotchii</i>	
San Francisco Bay Area leaf-cutter bee	<i>Trachusa gummiifera</i>	
Mission blue butterfly	<i>Plebejus icarioides missionensis</i>	FE
Myrtle's silverspot butterfly	<i>Speyeria zerene myrtleae</i>	FE
callippe silverspot butterfly	<i>Speyeria callippe callippe</i>	FE
San Francisco forktail damselfly	<i>Ischnura gemina</i>	
Hoover's button-celery	<i>Eryngium aristulatum var. hooveri</i>	1B.1
Diablo helianthella	<i>Helianthella castanea</i>	1B.2
congested-headed hayfield tarplant	<i>Hemizonia congesta ssp. congesta</i>	1B.2
Congdon's tarplant	<i>Centromadia parryi ssp. congdonii</i>	1B.1
beach layia	<i>Layia carnosa</i>	FE, SE, 1B.1
alkali milk-vetch	<i>Astragalus tener var. tener</i>	1B.2
saline clover	<i>Trifolium hydrophilum</i>	1B.2
robust spineflower	<i>Chorizanthe robusta var. robusta</i>	FE, 1B.1
rose leptosiphon	<i>Leptosiphon rosaceus</i>	1B.1
San Francisco collinsia	<i>Collinsia multicolor</i>	1B.2
San Francisco owl's-clover	<i>Triphysaria floribunda</i>	1B.2
bristly sedge	<i>Carex comosa</i>	2B.1
Franciscan onion	<i>Allium peninsulare var. franciscanum</i>	1B.2
fragrant fritillary	<i>Fritillaria liliacea</i>	1B.2
water star-grass	<i>Heteranthera dubia</i>	2B.2
slender-leaved pondweed	<i>Stuckenia filiformis ssp. alpina</i>	2B.2

Source: CDFW, California Natural Diversity Database, 2016

FE = Federally Endangered; FT = Federally Threatened; FC = Federal Candidate; SE = State Endangered;  
ST = State Threatened; SC = State Candidate; SSC = State Species of Special Concern; FP = Fully  
Protected

CNPS Plant Ranks

- 1B = Rare, Threatened, or Endangered in California and Elsewhere
- 2A = Presumed Extirpated in California, But Common Elsewhere
- 2B = Rare, Threatened, or Endangered in California, But More Common Elsewhere

CNPS Threat Ranks

- 0.1-Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- 0.2-Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
- 0.3-Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

According to other CDFW records, the proposed Project segments that are located within Santa Clara County may also support western burrowing owl (*Athene cunicularia*), a State Species of Special Concern, which has experienced severe population declines in the County in recent years.

## Submission S001 (Scott Wilson, California Department of Fish and Wildlife, May 31, 2016) - Continued

Mr. Mark McLoughlin

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May 31, 2016

CDFW recommends that the Draft EIR provide baseline habitat assessments for all special-status plant, fish and wildlife species located within the Project area and surrounding lands per CEQA Guidelines, §15380. The Draft EIR should also include habitat assessments for sensitive habitat types and plant communities such as sycamore alluvial woodland. California sycamore (*Platanus racemosa*) is a native tree species and sycamore alluvial woodland is an uncommon habitat type considered to be very rare in Santa Clara County.

Habitat descriptions and species profiles should include information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, and findings from "positive occurrence" databases such as the CNDDDB. Based on the habitat assessment, the Draft EIR should assess which special-status species are likely to occur in the vicinity of the Project area. The habitat assessment should include both terrestrial and aquatic species such as the federally threatened Central California Coast steelhead (*Oncorhynchus mykiss*).

CDFW recommends that surveys be conducted for special-status species likely to occur, following agency-recommended survey protocol. Survey and monitoring protocols and guidelines are available at: [http://www.dfg.ca.gov/wildlife/nongame/survey\\_monitor.html](http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html).

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (<http://www.cnps.org/cnps/rareplants/inventory/>) should be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at: <https://www.wildlife.ca.gov/Conservation/Plants>. Potential impacts to these species, including take, habitat loss, habitat impairment and temporary disturbances, should be thoroughly addressed in the Draft EIR.

### Impact Analysis and Mitigation Measures

The Draft EIR should discuss all direct and indirect impacts (temporary and permanent) that could occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Potential for "take" (Fish and Game Code, §86) of special-status species;
- Loss or modification of breeding, nesting, denning, dispersal and foraging habitat, including vegetation removal, alteration of soils and hydrology, and removal of natural habitat structural features (e.g. snags, roosts, overhanging banks) as well as modification of artificial structures such as bridges that may provide habitat for certain species (eg. birds and bats);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and
- Obstruction of movement corridors and impediments to connectivity, fish passage, or access to water sources and other core habitat features

The Draft EIR should identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, § 15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable. A contribution to



## Submission S001 (Scott Wilson, California Department of Fish and Wildlife, May 31, 2016) - Continued

Mr. Mark McLoughlin

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a significant cumulative impact, such as reduction of the available habitat for a listed species, should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

A description of all feasible mitigation measures to avoid potentially significant impacts, and/or mitigate significant impacts of the Project on the environment should be included in the Draft EIR (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370). Take avoidance and minimization measures for special-status species should be developed in consultation with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service and CDFW.

Fully protected species may not be taken or possessed at any time (Fish and Game Code § 3511). Therefore, the EIR should include measures to ensure complete take avoidance of such species.

### REGULATORY REQUIREMENTS

#### California Endangered Species Act

Please be advised that a California Endangered Species Act (CESA) permit must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the Draft EIR must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (CEQA §§ 21001(c), 21083, & CEQA Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration. The CEQA Lead Agency's Findings do not eliminate the Project proponent's obligation to comply with Fish and Game Code § 2080.

CDFW, as a Responsible Agency under CEQA, will consider the Draft EIR for the Project. CDFW may not execute a final CESA permit until it has complied with CEQA (Public Resources Code § 21000 et seq.) in its role as the Responsible Agency.

#### Lake and Streambed Alteration Agreement

CDFW may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Fish and Game Code §§ 1600 et. seq. for substantial Project-related activities in waters within the Project area. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements.

## Submission S001 (Scott Wilson, California Department of Fish and Wildlife, May 31, 2016) - Continued

Mr. Mark McLoughlin

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May 31, 2016

CDFW, as a Responsible Agency under CEQA, will consider the Draft EIR for the Project. CDFW may not execute a final LSAA until it has complied with CEQA (Public Resources Code § 21000 et seq.) in its role as the Responsible Agency.

### ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB.

The CNDDDB field survey form can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

### FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

### CONCLUSION

CDFW appreciates the opportunity to comment on the Notice of Preparation to assist CAL HSR Authority in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Mr. Craig Weightman, Environmental Program Manager, at 707-944-5577 or [craig.weightman@wildlife.ca.gov](mailto:craig.weightman@wildlife.ca.gov).

cc: Office of Planning and Research, State Clearinghouse, Sacramento  
Gary Stern, National Marine Fisheries Service  
Joseph Terry, U.S. Fish and Wildlife Service

Randi Adair, CDFW Bay Delta Region  
Brenda Blinn, CDFW Bay Delta Region  
Suzanne DeLeon, CDFW Bay Delta Region

## Submission S002 (Patricia Maurice, Caltrans, District 4, May 10, 2016)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

### DEPARTMENT OF TRANSPORTATION

DISTRICT 4  
P.O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5528  
FAX (510) 286-5559  
TTY 711  
www.dot.ca.gov



*Serious Drought.  
Help save water!*

May 10, 2016

BAG000068  
BAG-VAR-VAR

Mr. Ben Tripousis  
Northern California Regional Office  
California High-Speed Rail Authority  
100 Paseo de San Antonio  
San Jose, CA 95113

### High Speed Rail - San Jose to Merced Project – Traffic Impact Analysis Workslope

Dear Mr. Tripousis:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the High Speed Rail (HSR) – San Jose to Merced Project. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system, in which we seek to reduce statewide vehicle miles traveled (VMT) and increase non-auto modes of active transportation. Caltrans plans to increase non-auto mode shares by 2020 through tripling bicycle, and doubling pedestrian and transit. Also, these targets support the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy, which promotes the increase of non-auto mode shares by ten percentage points and a decrease in automobile VMT per capita by ten percent. Our comments are based on the Traffic Impact Analysis Workslope (Workslope). Additional comments may be forthcoming pending final review.

#### ***Project Understanding***

The proposed project would construct the 84-mile San Jose to Merced segment of the HSR corridor. The segment would begin north of Diridon Station at Scott Boulevard in Santa Clara County, follow US 101 and State Route (SR) 152 through Pacheco Pass, and terminate at Carlucci Road in Merced County. This portion of the HSR corridor would service the San Jose Diridon, Gilroy Downtown, and Gilroy East station areas.

#### ***Lead Agency***

As the lead agency, the California HSR Authority is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document.

*"Provide a safe, sustainable, integrated and efficient transportation  
system to enhance California's economy and livability"*

## Submission S002 (Patricia Maurice, Caltrans, District 4, May 10, 2016) - Continued

Mr. Ben Tripousis, California High-Speed Rail Authority  
May 10, 2016  
Page 2

### ***Traffic Analysis***

- The traffic analysis should include models that are based on “Demand Volumes” rather than “Output Volumes” or “Constrained Flow Volumes.” Traffic analyses, on all State facilities (freeway segments, ramps, intersections, etc.) should be performed using “Demand Volume.”
- Traffic analysis, for freeways, should be based on a capacity in the range of 2,000 vehicles per lane (vpl), 2,100 vpl for mixed flow lanes, and 1,650 vpl for high occupancy vehicle lanes.
- Please provide a copy of Figures 1 through 4, as discussed on page 4 of the Workslope, for our review.
- For clarification purposes, SR 82 within the San Jose city limits has been relinquished by Caltrans. The section of roadway, which was once called “SR 82”, is no longer considered a State facility.

### ***Traffic Systems***

The impact of queuing generated by the project should be assessed. There are operational ramp meters on most of the freeway on-ramps at the study intersections provided in the Workslope. The metering hours of these on-ramp locations are provided below.

1. Interstate (I-) 880/The Alameda:
  - Southbound (SB) loop on-ramp (metered 3-7 PM)
  - SB diagonal on-ramp (metered 3-7 PM)
  - Northbound (NB) on-ramp (to be metered in the future)
  - NB diagonal on-ramp (to be metered in the future)
2. SR 87/Julian Street:
  - NB diagonal on-ramp (metered 6-10 AM)
  - SB diagonal on-ramp (metered 3-7 PM)
  - SB loop on-ramp (metered 3-7 PM)
3. I-280/Bird Avenue:
  - NB diagonal on-ramp (metered 6-10 AM)
  - SB diagonal on-ramp (metered 3-7 PM)
4. US 101/Leavesley Road:
  - NB diagonal on-ramp (metered 5-9 AM)
  - NB loop on-ramp (metered 5-9 AM)
  - SB diagonal on-ramp (metered 3-7 PM)

*“Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability”*



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Submission S002 (Patricia Maurice, Caltrans, District 4, May 10, 2016) -  
Continued

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Mr. Ben Tripousis, California High-Speed Rail Authority  
May 10, 2016  
Page 3

5. US 101/10<sup>th</sup> Street:
  - NB diagonal on-ramp (metered 5-9 AM)
  - NB loop on-ramp (metered 5-9 AM)
  - SB diagonal on-ramp (metered 3-7 PM)
  - SB loop on-ramp (metered 3-7 PM)
6. US 101/Bailey Avenue:
  - NB loop on-ramp (metered 5-9 AM)
  - SB diagonal on-ramp (metered 3-7 PM)
7. US 101/Cochrane Road:
  - NB diagonal on-ramp (metered 5-9 AM)
  - NB loop on-ramp (metered 5-9 AM)
  - SB diagonal on-ramp (metered 3-7 PM)
  - SB loop on-ramp (metered 3-7 PM)

Should you have any questions regarding this letter or require additional information, please contact Cole Iwamasa at (510) 286-5534 or [cole.iwamasa@dot.ca.gov](mailto:cole.iwamasa@dot.ca.gov).

Sincerely,



PATRICIA MAURICE  
District Branch Chief  
Local Development - Intergovernmental Review

*"Provide a safe, sustainable, integrated and efficient transportation  
system to enhance California's economy and livability"*

## Submission S003 (Sharaya Souza, Native American Heritage Commission of California, May 16, 2016)

STATE OF CALIFORNIA  
NATIVE AMERICAN HERITAGE COMMISSION  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710  
Fax (916) 373-5471  
Email: [naahc@naahc.ca.gov](mailto:naahc@naahc.ca.gov)  
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Twitter: @CA\_NAHC

Edmund G. Brown Jr., Governor



Governor's Office of Planning & Research

MAY 18 2016

STATE CLEARINGHOUSE

May 16, 2016

Mark McLoughlin  
California High Speed Rail Authority  
952 L Street, Suite 1425  
Sacramento, CA 95814

RE: SCH#2016052019, San Francisco to San Jose High Speed Rail Project EIR, San Francisco to San Mateo County

Dear Mr. McLoughlin:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd. (a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

**CEQA was amended significantly in 2014.** Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

### AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public

## Submission S003 (Sharaya Souza, Native American Heritage Commission of California, May 16, 2016) - Continued

agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or . . . tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
- a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
- a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).

## Submission S003 (Sharaya Souza, Native American Heritage Commission of California, May 16, 2016) - Continued

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

### SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)



## Submission S003 (Sharaya Souza, Native American Heritage Commission of California, May 16, 2016) - Continued

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at:  
<http://nahc.ca.gov/resources/forms/>

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

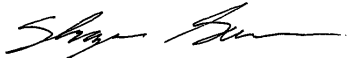
1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

## Submission S003 (Sharaya Souza, Native American Heritage Commission of California, May 16, 2016) - Continued

- b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

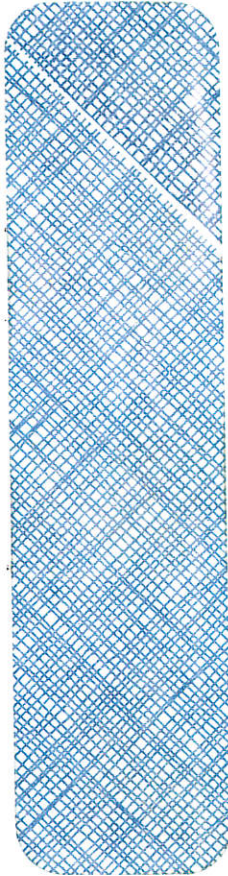
If you have any questions, please contact me at my email address: [sharaya.souza@nahc.ca.gov](mailto:sharaya.souza@nahc.ca.gov).

Sincerely,

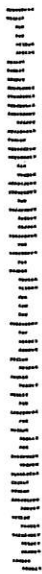


Sharaya Souza  
Staff Services Analyst  
cc: State Clearinghouse

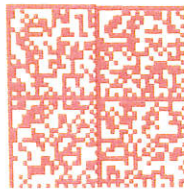
STATE OF CALIFORNIA  
San Francisco Bay Conservation  
and Development Commission  
455 Golden Gate Avenue, Suite 10600  
San Francisco, CA 94102-7019



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## Submission S004 (Isaac Pearlman, San Francisco Bay Conservation & Development Commission, June 7, 2016) - Continued

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### San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

June 7, 2016

Mark A. McLoughlin  
Director of Environmental Services  
California High-Speed Rail Authority  
100 Paseo de San Antonio  
San Jose, CA 95113

SUBJECT: Notice of Preparation of a Project Environmental Impact Report/Environmental Impact Statement for the California High-Speed Rail System, San Francisco to San Jose Project Section, Blended System Project; SCH 2016052019; BCDC Inquiry File No. MC.MC.0706.01

Dear Mr. McLoughlin:

Thank you for the opportunity to comment on the Notice of Preparation of a Project Environmental Impact Report/Environmental Impact Statement for the California High-Speed Rail System, San Francisco to San Jose Project Section, Blended System Project (NOP), dated May 9<sup>th</sup>, 2016 and received in our office on May 11<sup>th</sup>, 2016. The Commission has not reviewed the NOP, however the following staff comments are based on staff review of the NOP for consistency with the McAtteer-Petris Act, the policies of the San Francisco Bay Plan (Bay Plan), and the federal Coastal Zone Management Act (CZMA).

**Jurisdiction.** The Commission has jurisdiction over all areas of the Bay subject to tidal action, which is defined as shoreline that extends up to mean high water except in marsh areas, where the Commission's Bay jurisdiction extends to five feet above mean sea level. The Commission also has "shoreline band" jurisdiction over an area 100 feet wide inland and parallel to the shoreline. The Commission also has shoreline land use authority within designated priority use areas. Under the CZMA, the Commission can review federal projects that may impact the coastal zone.

The Blended System Project follows the Caltrain right-of-way from San Francisco to San Jose. The Caltrain right-of-way crosses the shoreline band and enters the Commission's jurisdiction in multiple locations: In San Francisco where 7<sup>th</sup> Street borders the China Basin Water Channel, and where Napoleon and Selby streets border Islais Creek Channel; along Brisbane Lagoon near Bayshore Boulevard; two locations north of Veteran's Boulevard along the Oyster Point waterfront; and in South San Francisco where the tracks cross Colma Creek east of South Linden Avenue. Along San Antonio Avenue the Caltrain right-of-way borders the Commission's designated airport priority use area identified in the San Francisco Bay Plan Map 5. Parts of the Blended System Project may also cross into the Commission's San Francisco Waterfront's Special Area Plan.

info@bcdc.ca.gov | www.bcdc.ca.gov  
State of California | Edmund G. Brown, Jr. — Governor





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## Submission S004 (Isaac Pearlman, San Francisco Bay Conservation & Development Commission, June 7, 2016) - Continued

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Mark McLoughlin  
June 7, 2016  
Page 2

In addition, stated construction in the NOP such as installation of passing tracks, ancillary facilities, and other improvements may fall within the Commission's jurisdiction depending upon final project design. Blended service in the Caltrain corridor will cross creeks and channels within the coastal zone.

Projects within the Commission's jurisdiction may require permits, depending upon the nature of the activity. Those projects requiring a Commission permit must comply with the requirements of the McAteer-Petris Act and the Bay Plan. A federal consistency review by the Commission under their CZMA authority may be required if impacts occur in the coastal zone. The project EIR/EIS should acknowledge and describe the Commission's jurisdiction and permit authority over these areas adjacent to and within the project area.

**Sea Level Rise and Safety of Fills.** The Bay Plan policies on the safety of fills state: "Adequate measures should be provided to prevent damage from sea level rise and storm activity that may occur on fill or near the shoreline over the expected life of a project". The Bay Plan climate change policies state, in part: "[t]o minimize the potential hazard to Bay fill projects and bayside development from subsidence, all proposed development should be sufficiently high above the highest estimated tide level for the expected life of the project or sufficiently protected by levees. Projects within areas that a risk assessment determines are vulnerable to future shoreline flooding ... should be designed to be resilient to a mid-century sea level rise project. If it is likely the project will remain in place longer than mid-century, an adaptive management plan should be developed to address the long-term impacts that will arise based on a risk assessment using the best available science-based projection for sea level rise at the end of the century."

The EIR/EIS should include an analysis of how an increase in sea level and flooding under multiple sea level rise scenarios could impact the proposed project. This should include information on (1) current elevations of the project area and recent data, if available, documenting the vertical land motion (e.g. subsidence or uplift); (2) current rates of sedimentation, if known, for the project site or sites located nearby; (3) estimated rate of relative sea level rise for the project area (relative sea level rise equals the sum of the change in global sea level and the change in land elevation); (4) projected changes in wetland communities from sea level rise (this should also include information on surrounding areas); (5) projected hydraulic changes around the project site that would result in a change in flood and creek elevations, and duration of ponding, drainage, erosion, or sedimentation. Sea level rise scenarios should include projections consistent with the most recent and best available science. The EIR/EIS should evaluate how the proposed project will be consistent with these policies.

**Transportation.** The transportation findings and policies of the Bay Plan support alternative and public transit facilities, and the Blended System Project is consistent with these objectives. In response to the historical adverse impacts of rail and transportation infrastructure to public access, the policies state in part: "[t]ransportation projects on the Bay shoreline or bridges over

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## Submission S004 (Isaac Pearlman, San Francisco Bay Conservation & Development Commission, June 7, 2016) - Continued

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Mark McLoughlin  
June 7, 2016  
Page 3

the Bay or certain waterways should include pedestrian and bicycle paths that will either be a part of the Bay Trail or connect the Bay Trail with other regional and community trails. Transportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline."

The EIR/EIS for the Blended System Project should evaluate the possibility of integrating any new or upgraded infrastructure and operations with existing alternative and non-motorized transportation along the Caltrain corridor, in consistency with the Bay Plan transportation policies.

**Public Access.** Section 66602 of the McAteer-Petris Act states, in part: "existing public access to the shoreline and waters of the San Francisco Bay is inadequate." The Bay Plan policies on public access state, in part: "Whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed." The EIR/EIS should discuss whether the proposed changes from the Blended Service Project would be consistent with the Bay Plan policies to maximize public access, and how the proposed increase in service may impact public access. As much as possible, the EIR/EIS should examine how to minimize impact to and integrate with existing and proposed public access to the Bay, particularly along Oyster Point waterfront where the rail borders existing public access permitted by the Commission. As the project may result in greater visitation and use of the areas adjacent to rail stations, the potential impact on public use, habitat, and wildlife should be evaluated in the EIR/EIS.

**Appearance, Design, and Scenic Views.** The Bay Plan policies on appearance, design, and scenic views state, in part: "all bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance or preserve views of the Bay and shoreline, especially from public areas... Views of the Bay ... should be maintained by appropriate arrangements and heights of all developments and landscaping between the view areas and the water." The EIR/EIS should discuss how the increased rail traffic from the Blended System Project would minimize impacts on scenic views and be consistent with the Bay Plan policies.

**Tidal Marshes and Tidal Flats.** The Bay Plan policies state in part that tidal marshes and tidal flats "should be conserved to the fullest possible extent. Filling, diking, and dredging projects that would substantially harm tidal marshes or tidal flats should be allowed only for purposes that provide substantial public benefits and only if there is no feasible alternative." The EIR/EIS should discuss the impact, if any, the Blended System Project would have on tidal marshes and flats along the Caltrain corridor and whether the project would be consistent with the Bay Plan policies on these resources.

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**Submission S004 (Isaac Pearlman, San Francisco Bay Conservation & Development Commission, June 7, 2016) - Continued**

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Mark McLoughlin  
June 7, 2016  
Page 4

A well-designed Blended Service system increasing efficiency and travel options while minimizing impacts to Bay resources, including public access, would provide welcome reduction in congestion from traffic, reduce automobile trips and improve air quality. Thank you for the opportunity to comment on the NOP for the EIR/EIS for the California High-Speed Rail Authority's proposed Blended System Project. If you have any questions regarding this letter please do not hesitate to contact me by phone at (415) 352-3626 or email [isaac.pearlman@bcdca.gov](mailto:isaac.pearlman@bcdca.gov).

Sincerely,



ISAAC PEARLMAN  
Coastal Program Analyst

IP/gg

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Submission S005 (Lori Yamauchi, University of California San Francisco  
(UCSF), June 10, 2016)

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University of California  
San Francisco

**Campus Planning**

UCSF Box 0286  
654 Minnesota Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94143

tel: 415.476.2911

**Lori Yamauchi**  
Associate Vice Chancellor

lori.yamauchi@ucsf.edu  
[www.ucsf.edu](http://www.ucsf.edu)

June 10, 2016

Mr. Mark A. McLoughlin  
Director of Environmental Services  
Attn: San Francisco to San Jose Project Section  
California High-Speed Rail Authority  
100 Paseo de San Antonio, Suite 206  
San Jose, CA 95113

*Via email to [sanfrancisco\\_sanjose@hsr.ca.gov](mailto:sanfrancisco_sanjose@hsr.ca.gov)*

**RE: Comments on San Francisco to San Jose Section Notice of Intent (NOI) /  
Notice of Preparation (NOP)**

Dear Mr. McLoughlin:

The University of California, San Francisco (UCSF) has reviewed the NOI/NOP for the proposed San Francisco to San Jose Section of the California High-Speed Rail (HSR) System, Blended System Project (the Project). Our comment is focused on the Alternatives to be considered and analyzed in the Environmental Impact Report (EIR) / Environmental Impact Statement (EIS).

UCSF's Mission Bay campus and UCSF Medical Center, which includes children's, women's, and cancer hospitals, is located along 16<sup>th</sup> Street, just east of the existing Caltrain tracks that terminate at the Fourth and King Street Caltrain Station in San Francisco. Driven by its commitment to patient care and public safety, UCSF's primary goal is to ensure that patients, patient visitors, patient care workers, as well as emergency vehicles, have 24/7 unimpeded access to its Mission Bay hospitals.

After review of the brief project description in the NOI/NOP, it appears that the EIR/EIS will contain project-level analysis of an at-grade, blended rail alignment in which Caltrain and HSR would share the existing surface tracks currently used by Caltrain.

UCSF is concerned that an at-grade alignment would impede smooth and consistent surface traffic flow into and out of Mission Bay, a growing neighborhood already challenged by limited accessibility from the north, south, east and west. The addition of an at-grade alignment has great potential to isolate Mission Bay from the rest of the City. We believe the project, as currently proposed, would result in significant impacts to the UCSF Mission Bay campus and Medical Center, the greater Mission Bay area and its environs, and that the project would impede access to UCSF's Medical Center at Mission Bay for our patients, patient visitors, patient care workers, and emergency vehicles.



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Submission S005 (Lori Yamauchi, University of California San Francisco  
(UCSF), June 10, 2016) - Continued

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Mr. Mark A. McLoughlin  
June 10, 2016  
Page 2

Therefore, UCSF strongly recommends that the EIR/EIS consider a below-grade rail alignment solution in its alternative analysis. We understand that the City and County of San Francisco has also been advocating for a below-grade rail alignment for a number of years and is undertaking an independent study to evaluate such an approach. UCSF believes that an alternative that would place Caltrain and HSR underground would avoid further degradation of surface traffic flow into and out of Mission Bay at the 16<sup>th</sup> Street and Mission Bay Drive rail crossings.

Furthermore, UCSF was only made aware of the issuance of the NOI/NOP on June 9, 2016, when comments are due on June 10, 2016. UCSF requests that we be added to the EIR/EIS distribution list to receive further information regarding this proposed project. Please send such information to my attention at the address noted in this letter.

UCSF understands the importance and need for the proposed HSR into San Francisco but strongly encourages the inclusion of an underground alignment alternative in the EIR/EIS analysis.

Should you have any questions regarding these comments, please contact me or Tammy Chan of my staff at (415) 476-2911.

Sincerely,



Lori Yamauchi  
Associate Vice Chancellor, Campus Planning

cc: Kevin Beauchamp  
Tammy Chan  
Barbara French

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## **Appendix A.3**

### **Local Agency Comments**

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## Submission L001 (Ellen Smith, BART, June 10, 2016)

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**Response Requested :**

**Affiliation Type :** Local Agency

**Interest As :** Local Agency

**Submission Method :** Project Email

**First Name :** Ellen

**Last Name :** Smith

**Business/Organization :** BART

**Email :** dwatry56@gmail.com

**Stakeholder** Mark McLoughlin:

**Comments/Issues :**

Attached are scoping comments from BART on the SF to San Jose Blended System. Please let me know if you have any questions on our comments. We look forward to working with your agency on this project.

Regards,

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Submission L001 (Ellen Smith, BART, June 10, 2016)

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**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
300 Lakeside Drive, P.O. Box 12688  
Oakland, CA 94604-2688  
(510) 464-6000

2016

Tom Radulovich  
PRESIDENT

June 10, 2016

Gail Murray  
VICE PRESIDENT

Grace Crunican  
GENERAL MANAGER

Mr. Mark A. McLoughlin,  
Director of Environmental Services  
ATTN: San Francisco to San Jose  
California High-Speed Rail Authority  
100 Paseo De San Antonio, Suite 206  
San Jose, CA 95113

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6TH DISTRICT

Zachary Mallett, MCP  
7TH DISTRICT

Nicholas Josefowitz  
8TH DISTRICT

Tom Radulovich  
9TH DISTRICT

Re: Notice of Preparation/Notice of Intent of a Project Environmental Impact Report/Environmental Impact Statement for the San Francisco to San Jose Section, Blended System Project (State Clearinghouse No. 2016052019)

Dear Mr. McLoughlin:

This letter provides the comments of the San Francisco Bay Area Rapid Transit District (BART) on the Notice of Preparation of a Project Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the San Francisco to San Jose Section, Blended System Project (The Project) proposed by the California High Speed Rail Authority (CHSRA). BART appreciates the opportunity to comment on the proposed scope of the EIR/EIS for this important project for the state and our region, and looks forward to working closely with CHSRA. We believe that the potential impacts discussed in our comments below may be addressed and avoided or mitigated through collaborative efforts between the CHSRA, BART and other affected agencies, both during the environmental review process and during the design and construction of the Project.

1. BART Should Be Designated as a Responsible Agency

Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code § 21069, a "responsible agency" is an agency, other than the lead agency, that "has responsibility for carrying out or approving a project." BART has significant ownership and operating interests in the San Francisco to San Jose HST segment corridor that will be impacted by the Project. BART will exercise discretionary approval authority over aspects of the Project, in particular regarding the stations which will link the Project to the BART system.

The Final Program EIR/EIS for the Proposed California High-Speed Train System, at pp. 6A-5 to 6A-8, specifies several key points where the Project will connect with the BART system:

[www.bart.gov](http://www.bart.gov)

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## Submission L001 (Ellen Smith, BART, June 10, 2016) - Continued

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BART Letter to CHSRA - Scoping Comments on SF-SJ Blended System Project  
June 10, 2016  
Page 2 of 5

- Downtown San Francisco (transit or pedestrian connections to Embarcadero, Montgomery and Powell Street BART/Muni Stations from Transbay Terminal or 4<sup>th</sup>/King HST Stations, including potential direct underground pedestrian tunnel to Embarcadero Station)
- Millbrae BART/Caltrain Station (BART connection to San Francisco International Airport [SFO])
- San Jose Diridon Station (connection to proposed Silicon Valley Rapid Transit extension of BART system)

Regarding the preferred Transbay Terminal HST terminus, the Final Program EIR/EIS (page 6A-4) notes that this location would offer superior connectivity

"because of its location in the heart of downtown San Francisco and since it would serve as the regional transit hub for San Francisco. . . . The Transbay Terminal is also expected to emerge as the transit hub for all major services to downtown San Francisco, with the advantage of direct connections to BART and other transit services."

Moreover, the Regional Rail Plan, completed in 2007 by a multi-agency collaboration among the CHSRA, BART, Caltrain and the Metropolitan Transportation Commission, identifies the BART system as playing a critical role in the future regional and high-speed rail system.

BART's San Francisco and San Mateo County stations are highly utilized and provide vital connectivity and passenger utility not only for the BART system, but for regional transit service---this is especially true for the Market Street Subway stations in downtown San Francisco. Any modifications of or connections to existing BART-owned and/or operated facilities as part of the Project will necessarily affect the BART system and will require BART's approval. In addition, BART has entered into various agreements regarding use and maintenance of property in the Project corridor, including specifically the February 18, 2005 Use, Operating and Maintenance (UOM) Agreement for the Millbrae Station between BART, the Peninsula Corridor Joint Powers Board and the San Mateo County Transit District. The CHSRA, BART and other signatories to these agreements will need to work together regarding any amendments and/or implementation as necessary for the Project. CHSRA also must coordinate with BART, as well as the Santa Clara Valley Transportation Authority (VTA), concerning any proposed design and construction at the San Jose Diridon and Santa Clara Stations that could affect the proposed BART extension to Silicon Valley, pursuant to the Comprehensive Agreement between BART and VTA. Accordingly, BART requests that the Project BIR/EIS identify BART as a responsible agency for CEQA purposes.

### 2. Purpose and Need

It has been several years since the last CHSRA environmental process in this corridor. In the interim period, transit ridership in the Bay Area has increased dramatically, and discussions have begun in the Bay Area about the need for additional rail infrastructure, especially in the Transbay corridor. MTC is conducting the Core Capacity Transit Study, which is considering options for a mainline rail connection between San Francisco and the East Bay, to accommodate a combination of Caltrain, High Speed Rail, and Capitol Corridor services. This document should acknowledge the need for connecting up the rail infrastructure on the two sides of the Bay, and commit to participating in the planning processes that will be examining the needs and possibilities for additional rail connections



## Submission L001 (Ellen Smith, BART, June 10, 2016) - Continued

BART Letter to CHSRA - Scoping Comments on SF-SJ Blended System Project  
June 10, 2016  
Page 3 of 5

across the Bay.

### 3. Impacts of Physical Modifications at Existing Facilities

We have not yet had the benefit of seeing any plans or drawings for the latest version of the Project, so we must assume that many features will carry forward from the last drawings and plans that were distributed in 2010. At that point, the Project proposed a direct connection to the BART/Caltrain Millbrae Station, and the current map indicates that there is still a Millbrae Station proposed as part of the Project. Previously, the Project required physical modifications to the existing station structure and rail facilities. According to the Final Program EIR/EIS for the Proposed California High Speed Rail System, the HST San Francisco to San Jose segment would demolish existing intermodal facilities and possibly reconfigure the west side of the Millbrae Station. These physical modifications would result in direct environmental impacts on traffic and circulation and public safety, as discussed below.

In addition, the EIR/EIS must identify and analyze any impacts of the modifications on the Millbrae station's existing rail services, pedestrian access and circulation during construction and operation of the Project, and also on BART's current plans for Transit-Oriented Development (TOD) at the Millbrae Station, which have evolved considerably since the last environmental process for the Peninsula Corridor. For example, the Project may impact the existing intermodal transfer between Caltrain and BART. The EIR/EIS must analyze any impact and provide for equivalent intermodal transfer during construction and operation, in order to ensure the continued effective operation and safety of both patrons and employees at Millbrae Station and within the SFO Extension Project area between I-380 in San Bruno and Dufferin Avenue in Burlingame. In addition, potential alterations of existing BART tail tracks south of Millbrae Station for HST purposes must be evaluated and fully mitigated to avoid impacts to the safe operation and maintenance of the BART system. Further, BART has a current project to extend the tail tracks at Millbrae, and this EIR/EIS must fully evaluate any impacts caused by changes to that project, and fully mitigate those impacts.

Similarly, should the Project or alternatives incorporate physical modifications to other existing BART facilities – such as a tunnel connection between the Transbay Terminal and Embarcadero or Montgomery Street BART Stations, as has been proposed by the Transbay Terminal Joint Powers Authority (TJPA) – the EIR/EIS would be required to analyze and provide mitigation for impacts of such modifications. CHSRA is no doubt aware that BART has extensive facilities within the project corridor between South San Francisco and Burlingame, many of which are subsurface and in close proximity to the current Caltrain alignment, and thus could be affected by modifications planned by CHSRA. CHSRA should ensure that these facilities are fully represented in all drawings and plans.

### 4. Impacts Resulting from Increased Ridership on Transit Facilities and Service.

The Project will bring a substantial number of new riders to BART and other transit services, to connect to the HST San Francisco to San Jose segment. Increased ridership is a benefit to BART and other transit agencies, as well as to the public. Nevertheless, the addition of these riders to the existing environment at BART station facilities in downtown San Francisco and Millbrae could result in potentially significant impacts, as BART's ridership has been growing significantly since the last



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## Submission L001 (Ellen Smith, BART, June 10, 2016) - Continued

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BART Letter to CHSRA - Scoping Comments on SF-SJ Blended System Project  
June 10, 2016  
Page 4 of 5

environmental process in the corridor. The need to accommodate increased demand on existing transit facilities could require further modifications of those facilities, as a direct result of the Project, in order to maintain efficient and safe service, beyond the modifications necessary to construct the HST itself.

The Millbrae Station, for example, serves as the primary station connection for BART's service to SFO. The EIR/EIS should analyze the number of riders anticipated to use the BART SFO service to connect to the HST system and any impacts such ridership will have due to increased demand on the BART system.

Moreover, according to year 2030 travel demand models, certain elements of BART's downtown San Francisco stations are over capacity. The Project is contemplating a terminus at either the San Francisco Transbay Terminal or the 4th and King Street Caltrain station. In either case, but especially at the preferred Transbay Terminal location, substantial numbers of HST riders will be transferring to other transit services, including BART. The EIR/EIS should evaluate the impacts of these new riders on the BART system and station capacity, determine whether modification to BART's downtown San Francisco stations will be necessary to accommodate the Project and, if so, address potential environmental impacts related to such modifications.

### 5. Traffic and Circulation

The Project may propose to modify the existing BART/Caltrain Millbrae Station, including modifying the west side of the station and eliminating some or all of the Caltrain parking on the Station's west side. The EIR/EIS must analyze the impacts of the Project on local intersection levels of service, including those providing access to the station, during both construction and operation.

### 6. Parking and Access

The EIR/EIS should not assume that BART will expand any parking facilities or that other BART-funded intermodal station access facilities will be designed to accommodate any of the demand generated by the HST project. BART prioritizes access by walk, bike, and transit modes.

### 7. Public Safety Impacts

As indicated in Appendix G, Section VII(g) of the CEQA Guidelines (14 Cal. Code Regs. § 15000 *et seq.*), a potentially significant impact may occur if a project would "impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan." All of BART's stations operate pursuant to existing emergency response and evacuation plans. The impact on safety from increasing the number of passengers that will be utilizing the Millbrae, Embarcadero, Montgomery, and Powell Street Stations, particularly during peak periods, must be analyzed in order to determine whether any significant impacts will result from the Project and whether mitigation measures such as improvements to emergency access might be necessary.

### 8. Impacts on Police, Fire and Emergency Services

The EIR/EIS should analyze the Project's potential impacts on Police, Fire and Emergency Services on

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## Submission L001 (Ellen Smith, BART, June 10, 2016) - Continued

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BART Letter to CHSRA - Scoping Comments on SF-SJ Blended System Project  
June 10, 2016  
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BART's Millbrae, Embarcadero, Montgomery, and Powell Street stations. To the extent that the Project results in increased passenger traffic as discussed above, including but not limited to areas patrolled by BART security, potential impacts should be analyzed and mitigated.

9. Impacts on Geology/Soil Stability

BART understands that the EIR/EIS is intended to "tier" off prior environmental analysis done as part of the Caltrain electrification and San Bruno Grade Separation projects. For example, both the electrification and San Bruno Grade Separation projects involve improvements to areas where BART's SFO Extension Project lies adjacent to the San Francisco to San Jose HST segment. All of these planned project improvements will include work on or near areas where BART has subsurface tunnels and other facilities. The EIR/EIS must analyze the Project's potential impacts on soil stability and structural safety, and in particular how the Project will affect BART's subsurface facilities in the Project corridor.

10. Construction Noise Impacts

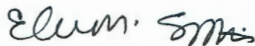
The Project may propose to undertake significant modifications to Millbrae Station, with resultant construction noise, while BART and Caltrain continue to provide regular service. The EIR/EIS should analyze the impacts of and potential mitigation for construction noise on patrons at Millbrae Station.

11. Hazardous Materials Impacts

The EIR/EIS should analyze any potential impacts resulting from release of or exposure to hazardous materials that might result from the proposed modifications to the Millbrae Station.

Thank you for considering BART's comments. Please feel free to contact me at (510) 287-4758 if you require further information or have any question or concerns.

Sincerely,



Ellen Smith  
Department Manager  
BART Strategic Planning

## Submission L002 (Jean Roggenkamp, Bay Area Air Quality Management District, June 9, 2016)



June 9, 2016

### BAY AREA AIR QUALITY MANAGEMENT DISTRICT

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Mr. Mark McLoughlin, Director of Environmental Services  
Att: San Francisco to San Jose Project Section  
California High-Speed Rail Authority  
100 Paseo Avenue, Suite 206  
San Jose, CA 95113





#### SUBJECT: San Francisco to San Jose Section EIR/EIS - Notice of Preparation

Dear Mr. McLoughlin:

The Bay Area Air Quality Management District (Air District) staff has reviewed the Notice of Preparation (NOP) for the updated Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the San Francisco to San Jose Section of the California High-Speed Rail (HSR), Blended System Project (Project). The NOP indicates that the proposed Project will involve construction of a HSR system that could cause regional & local air quality impacts in the San Francisco Bay Area Basin. Air District staff recommends the DEIR/EIS include the following information:

1. Provide background information on the Bay Area's attainment status for all criteria pollutants and the implications for the region if these standards are not attained or maintained by statutory deadlines. A discussion of the health effects of air pollution; and a discussion of greenhouse gas emissions and the potential impacts from climate change in the Bay Area should be provided.
2. If any aspects of the Project, for example, back-up diesel generators, require a permit from the Air District, then the Air District may be a responsible agency for California Environmental Quality Act (CEQA) purposes. The Project must obtain the appropriate permits from the Air District. Please contact Barry Young, Senior Advanced Projects Advisor at (415) 749- 4721 or [byoung@baaqmd.gov](mailto:byoung@baaqmd.gov) to discuss permit requirements.
3. Quantify the Project's potential construction and operational impacts on local and regional air quality. The Air District's *Air Quality Guidelines (May, 2012)* provide guidance on how to evaluate a project's or plan's construction, operational and cumulative air quality impacts. You may download a copy from the Air District's web site at <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-GUIDELINES.aspx>.

375 Beale Street, Suite 600 • San Francisco, California 94105 • 415.771.6000 •  
[www.BAAQMD.gov](http://www.BAAQMD.gov)

Connect with the  
Bay Area Air District:    

## Submission L002 (Jean Roggenkamp, Bay Area Air Quality Management District, June 9, 2016) - Continued

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Mr. Mark McLoughlin  
Page 2

June 9, 2016

4. Estimate and evaluate the potential health risk to existing and future sensitive populations within the Project area from toxic air contaminants (TAC) and fine particulate matter (PM 2.5) as a result of the project's construction and operation. Air District staff recommends that the DEIR/EIS evaluate potential cumulative health risk impacts of TAC emissions on nearby sensitive receptors near stations in proximity to the Project area.
5. Evaluate all feasible mitigation measures for all potentially significant air quality impacts identified in the DEIR/EIS including but not limited to:
  - Require the use of highest Tier (e.g. Tier 4) construction equipment available.
  - Require the use of biodiesel or other alternative fuels in diesel generators, construction equipment, and/or off-road vehicles.
  - Require all equipment be properly tuned and maintained.
  - Minimize the idling time of diesel powered construction equipment to two minutes.
  - All Basic Construction Mitigation Measures in Table 8-1 on Page 8.3 in the Air District's *CEQA Air Quality Guidelines*.
6. Evaluate the Project's consistency with the Air District's *2010 Clean Air Plan*, which may be found on the Air District's website, <http://www.baaqmd.gov/Divisions/Planning-and-Research/Plans/Clean-Air-Plans.aspx>.
7. The Air District's CEQA website contains a number of tools and resources to assist lead agencies in analyzing air quality impacts. These include guidance on quantifying risk and hazard impacts. View and download available tools here: <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx>.
8. Include all appendices or technical documents relating to the air quality, toxic air contaminant and GHG analysis, such as emissions calculation and health risk assessment files in the DEIR/EIS. Without all the supporting air quality documentation, Air District staff may be unable to review the air quality analysis in a timely manner.

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Submission L002 (Jean Roggenkamp, Bay Area Air Quality Management District,  
June 9, 2016) - Continued

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Mr. Mark McLoughlin  
Page 3

June 9, 2016

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We encourage lead agencies to contact Air District staff with any questions and/or to request assistance during the environmental review process. If you have any questions regarding these comments, please contact Andrea Gordon, Senior Environmental Planner, at (415) 749-4940, or [agordon@baaqmd.gov](mailto:agordon@baaqmd.gov).

Sincerely,

  
Jean Roggenkamp  
Deputy Executive Officer

cc: BAAQMD Director John Avalos  
BAAQMD Director David Canepa  
BAAQMD Director Cindy Chavez  
BAAQMD Director Carole Groom  
BAAQMD Director Liz Kniss  
BAAQMD Director Edwin Lee  
BAAQMD Director Eric Mar  
BAAQMD Director Jan Pepper  
BAAQMD Director Carole Groom  
BAAQMD Director Rod Sinks  
BAAQMD Director Warren Slocum



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**Submission L003 (Michael Burns, Caltrain/JPB, June 8, 2016)**

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**Response Requested :** No  
**Affiliation Type :** Local Agency  
**Interest As :** Local Agency  
**Submission Method :** Project Email  
**First Name :** Michael  
**Last Name :** Burns  
**Business/Organization :** Caltrain/JPB  
**Email :** ScanlonE@samtrans.com

**Stakeholder  
Comments/Issues :**

Mr. McLoughlin,

Attached you will find the JPB comments on the San Francisco to San Jose Project Section Notice of Preparation (NOP) and Notice of Intent (NOI) for the preparation of an Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

Thank you,

Liz Scanlon

[Caltrain color]  
Manager of Planning  
2121 S. El Camino Real, Suite 300  
San Mateo, CA 94403  
Direct: 650.295.6867  
Mobile: 650.207.7831  
[www.caltrain.com/calmod](http://www.caltrain.com/calmod)<<http://www.caltrain.com/calmod>>  
[cid:image003.png@01D1BDBB.012522C0]

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Submission L003 (Michael Burns, Caltrain/JPB, June 8, 2016)

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EXECUTIVE DIRECTOR

June 8, 2016

Mark A. McLoughlin  
Attn: San Francisco to San Jose Project Section  
California High-Speed Rail Authority  
100 Paseo de San Antonio, Suite 206  
San Jose, CA 95113

SUBJECT: Peninsula Corridor Joint Powers Board Comments on the San Francisco to San Jose Project Section Notice of Preparation (NOP) and Notice of Intent (NOI) for the preparation of an Environmental Impact Report/Environmental Impact Statement (EIR/EIS)

Dear Mr. McLoughlin,

Thank you for the opportunity to comment on the scoping of the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the California High Speed Rail Authority's (CHSRA) San Jose to San Francisco section. Caltrain respectfully requests that the following elements to be considered as part of the scope of issues to be addressed as part of the EIR/EIS.

The Peninsula Corridor Joint Powers Board (JPB) and the Northern California region are encouraged by this to prioritize the Northern Segment to San Francisco as the first operating segment for high-speed rail service. CHSRA has been a strong supporter the Peninsula Corridor Electrification Project (PCEP). This progress provides the foundation for the future Blended System for the Peninsula Corridor

As noted in the Caltrain letter regarding the CHSRA DRAFT 2016 Business Plan (April 18, 2016) for the Peninsula Corridor, some assumptions for the project definition are different than those previously used by the JPB to assess the operational feasibility of the Blended System. JPB worked side by side with CHSRA to develop the *March 2012 Caltrain/HSR Blended Operations Analysis* and *June 2013 Caltrain/HSR Service Plan/ Operations Considerations Analysis*. These studies determined that the Caltrain / HSR Blended System was conceptually operationally viable. The elements of the Blended System studied in these two reports were included as part of the 2014 business plan adopted by the CHSRA Board and the California Legislature. This letter outlines the different assumptions and potential attendant impacts to the Caltrain system.

**PENINSULA CORRIDOR JOINT POWERS BOARD**  
1250 San Carlos Ave. – P.O. Box 3006  
San Carlos, CA 94070-1306 650.508.6269

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## Submission L003 (Michael Burns, Caltrain/JPB, June 8, 2016) - Continued

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Mr. Mark McLoughlin  
Page 2, June 8, 2016

I. Project Definition Elements:

The project definition outlines blended system infrastructure needs that are potentially significantly different than those assumed in the *March 2012 Caltrain/HSR Blended Operations Analysis* and *June 2013 Caltrain/HSR Service Plan/ Operations Considerations Analysis*, and expressly or impliedly referenced in the 2014 HSR Business Plan. While JPB recognizes that it is the intent of the CHSRA to study these issues as part of the current environmental review, JPB urges CHSRA to provide technical plans, specifications and modeling as soon as possible for JPB review and analysis. It is critical for CHSRA to fully evaluate the operational feasibility of these proposals to identify, disclose and potentially mitigate impacts to Caltrain service and operations.

- a. San Jose Diridon Station: The JPB acknowledges that the alternatives, study, and selection of the HSR alignment into the San Jose Station are included in the Merced to San Jose Section environmental review, but it is pertinent to comment as part of the scoping period for the San Jose to San Francisco segment EIR/EIS because the operational impacts should be considered from a system perspective. JPB requests that analysis associated with the San Jose Diridon vicinity be included by reference into the San Jose to San Francisco EIR/EIS. JPB requests that all comments relative to the approach and alignment into and around the San Jose Station included in this letter be considered as part of the current San Jose to Merced environmental clearance process.

Previous plans and iterations of high speed rail in the Peninsula Corridor contemplated interfacing at the San Jose Diridon Station on an aerial structure merging at-grade north of control point De La Cruz on the Caltrain corridor. The current project definition contemplates an alternative for the HSR alignment that would interface at-grade at the San Jose Diridon Station. This represents a fundamental change to HSR proposed operation in the Caltrain Corridor and presents issues of potentially serious concern to the JPB, and its tenants. The potential significant impact to Caltrain operations, capacity and facilities needs to be analyzed in detail prior to any final decision on Preferred Alternative on the configuration at San Jose Diridon Station. The proposed at-grade alternative has not been modeled to evaluate the operational feasibility. The South Terminal Area is capacity constrained with Caltrain, and its tenants, Amtrak, Altamont Corridor Express (ACE), Capitol Corridor and Union Pacific freight services. It is currently unclear to JPB the magnitude of potential impact resulting from high speed rail trains being added to the existing terminal facility. This applies both to the 2025 timeframe (assumes 10 – 11 train sets to terminate at San Jose Diridon) as well as in the 2029 timeframe (assumes 4 trains per peak hour per direction utilizing the San Jose Diridon Station as an in-line station to San Francisco). Significance thresholds should be developed with input from Caltrain staff. Potential impacts should be identified, avoided where possible and if impacts cannot be avoided, feasible mitigation should be applied.

- b. Passing Track Location: Previous Caltrain / HSR Blended System operational feasibility studies completed for the Peninsula Corridor contemplated five passing track options. The passing track options ranged from approximately 6 to 16 miles in length. The project definition is now contemplating analysis of three passing track locations. Two were studied previously as part of the 2012 and 2013 blended system studies. These were the Short Middle 4-Track (approximately

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## Submission L003 (Michael Burns, Caltrain/JPB, June 8, 2016) - Continued

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Mr. Mark McLoughlin  
Page 3, June 8, 2016

Hayward Park Station to San Carlos Station) and the Long Middle 3-Track options (approximately Hayward Park Station to California Ave Station). The CHSRA has also proposed a two-mile passing track located in San Mateo encompassing Hayward Park and Hillsdale Stations. The full operational feasibility must be studied to evaluate the effectiveness of passing tracks for both the Caltrain service and high speed service. It is prudent to complete the appropriate operational due diligence to ensure robust operations for the blended system. Example operational metrics and considerations include travel time, station stops and stopping patterns and train delay.

- c. Curve Straightening and Track Modifications: The current project definition includes a proposal for curve straightening of the tracks within the Caltrain corridor. These locations should be identified and evaluated fully for the impacts to Caltrain service and operations but also other community impacts. Other track modifications, such as increasing the super elevation within existing curves, will also need to be fully studied for impacts. For example, CHSRA needs to perform a lean test on all equipment that will be effected by the super elevation. Additionally, please define and analyze any track spacing modifications as part of the blended system.
- d. Impacts to Caltrain Stations, Parking Lots and Existing and Future Infrastructure: It is unclear if there will be impacts to Caltrain stations (non-HSR stations). JPB requests that the potential impacts to Caltrain stations resulting from track improvements such as curve straightening be fully evaluated, disclosed and potential mitigation proposed. Also, JPB requests that the CHSRA analyze the potential safety impacts, including proposed mitigation plans, to the Caltrain stations resulting from pass-through of the high speed trains travelling at speeds of up to 110 mph.
- e. Shared Platforms and Common-Height High-Level(~50"): The 2012 and 2013 Caltrain / HSR Blended System studies have only evaluated dedicated platforms each for Caltrain and HSR. The current project description seems to indicate that HSR will share the Caltrain platforms at the shared stations: San Jose Diridon, Millbrae and San Francisco 4<sup>th</sup> and King.

Further, in 2015, there was extensive discussion regarding the issue of not precluding shared common-height high-level platforms. After several months of public discussion, the JPB made a decision that additional technical information is needed before support can be given to shared platforms. In order to not preclude common-height platforms at the shared stations, the Caltrain Electric Multiple Unit (electric vehicles) Request for Proposals was modified to include an option for two sets of doors. One set of doors would utilize Caltrain's existing platforms (as well as future level boarding at ~25") and the second set of doors could utilize the HSR's planned boarding height of ~50". During these discussions, CHSRA staff indicated that the high speed rail project may consider paying for increased costs to JPB to accommodate common-height (~50") level board at shared station platforms. It appears that the 2016 Business Plan includes the cost of constructing new platforms, but the additional costs for JPB to use vehicles that would be served at HSR boarding heights are not. This issue requires further extensive technical analysis and joint policy decisions.

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## Submission L003 (Michael Burns, Caltrain/JPB, June 8, 2016) - Continued

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Mr. Mark McLoughlin  
Page 4, June 8, 2016

JPB requests that the blended system scope consider both common level high level boarding (~50") as well as dedicated platforms at the common Caltrain/HSR stations. Analysis and considerations of common high level boarding at the shared station should include, but are not limited to: the on-board seating capacity reduction of having to utilize both sets of doors on the Caltrain vehicle, other operational elements such as the potential of increased dwell time relative to passenger boarding and alighting and different boarding heights at various stations along the corridor.

- f. It is unclear in the current project definition if there would be any impact to the Caltrain Centralized Equipment Maintenance and Operations Facility (CEMOF). Impacting CEMOF is of significant concern, and not preferable to the JPB.
- II. Caltrain Stations Served by HSR: Three Caltrain stations are planned to be serviced by HSR at the San Francisco Station (4<sup>th</sup> & King), Millbrae, and San Jose Diridon. JPB has a number of questions and concerns pertaining to stations:
- a. What kinds of operations/maintenance (if any) amenities are contemplated? JPB requests that the CHSRA define the amenities needed for high speed rail for the joint station locations.
  - b. JPB requests that the CHSRA define the planned operational business model for the high speed service relative to the types of security measures, passenger amenities, baggage handling/processing, catering, etc. JPB requests that the CHSRA identify potential impact to Caltrain facilities resulting from the planned operational business model. In particular, understanding the facilities needed to support passenger security screening is important in developing the necessary infrastructure at stations. Caltrain currently runs an "open" system in that our passengers do not have to pass through fare collection facilities (similar to BART) to board the trains. JPB requests that the CHSRA define the needed facilities related to fare collection for the high speed service. These elements directly relate to the ability to share platforms with the Caltrain service.
  - c. JPB requests that the CHSRA define station access and facilities needed to support the blended system.
  - d. San Francisco Station at 4<sup>th</sup> & King: JPB understands that HSR will occupy the San Francisco station as an interim northern terminus until the Downtown Extension to Transbay Transit Center is completed. JPB requests that the CHSRA provide further definition, and study of the infrastructure elements needed at San Francisco Station. The space (station building, platforms and adjacent pedestrian areas) is currently very constrained so extensive coordination is required to co-locate at this station.
    - i. If HSR will occupy 4<sup>th</sup> & King on an interim basis, it calls into question how much infrastructure should be built to accommodate HSR. Further definition of HSR station needs is required. Will the CHSRA modify all station platforms at 4<sup>th</sup> & King? This will also require additional discussions and policy discussion.
  - e. Millbrae Station: JPB requests that the CHSRA define, and study the infrastructure elements needed at Millbrae Station. The project definition is



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## Submission L003 (Michael Burns, Caltrain/JPB, June 8, 2016) - Continued

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Mr. Mark McLoughlin  
Page 5, June 8, 2016

unclear regarding what HSR is proposing for the configuration of the Millbrae station, tracks and platforms.

- f. San Jose Diridon Station: JPB requests that the CHSRA define, and study the infrastructure elements needed within the Diridon Station area (non-trackside):
  - i. It is unclear from the mapping providing during Scoping what facilities are improvements are needed for HSR service at the Diridon station? What types of elements will be studied in the environmental document within the boundary of the identified "footprint"?
  - ii. The site for potential future parking seems rather far away for joint use. Who is the joint use for? Is this the only site being considered? Is this infrastructure that HSR will construct? JPB acknowledges that Caltrain, CHSRA, and VTA are working in partnership on the Diridon Intermodal Working Group, but the elements necessary for high speed service at the Diridon station are unclear.
  - iii. "Phase 1" is depicted on the map, what are the other phases? Is there a timeframe associated with phases?
  - iv. How is west side access being incorporated?
  - v. Be advised that the Station Depot is a Historic building, and appropriate analysis should be completed if improvements are contemplated within the building.

III. Blended Service Plan: In order to fully evaluate and disclose potential impacts to Caltrain service, or Caltrain facilities, the Service Planning Methodology must be better defined. JPB looks forward to working closely with CHSRA to understand the service plan assumptions in detail. JPB worked side by side with CHSRA to develop the *March 2012 Caltrain/HSR Blended Operations Analysis* and *June 2013 Caltrain/HSR Service Plan/Operations Considerations Analysis*, which included a "prototypical" schedule for both Caltrain and high speed service. HSR has since changed several of the base assumptions that were in the 2012 and 2013 studies, so new analysis will need to be completed. CHSRA will need to develop an updated "prototypical" schedule for planning purpose, as well as to identify potential impacts. A "prototypical" schedule is not, however, a commitment to implement a particular Caltrain timetable, but is a planning-level timetable suitable to properly identify the feasibility of the system, as well as identify any impacts. Crafting the Blended Service Plan together is also critical to refining assumptions regarding infrastructure needs.

- a. Dispatching: The Caltrain letter on the DRAFT 2016 Business Plan (August 18, 2016) raised concern about dispatching. The JPB reiterates the concern here. JPB will continue to control dispatching in the Peninsula Corridor. The JPB and CHSRA need to have further discussions on the details of the eventual Blended Service operations and maintenance agreement.

IV. Implementation Timing: JPB is not clear on what is being implemented for the planned 2025 high speed service versus the 2029 service. The HSR document should discuss project implementation, and the impacts of phased implementation. The scoping material provided indicates a need to meet the Proposition 1A travel time mandated for the CHSRA to meet.

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## Submission L003 (Michael Burns, Caltrain/JPB, June 8, 2016) - Continued

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Mr. Mark McLoughlin  
Page 6, June 8, 2016

- V. Transportation and Ridership Impacts: Caltrain requests that the CHSRA study the following transportation related elements:
  - a. The induced demand on the Caltrain system. Elements such as on board capacity and station access facilities should be analyzed.
  - b. Understand how many riders are transferring in “2025” when HSR terminates at San Jose Diridon.
  - c. How many riders are transferring from Caltrain to HSR? In the 2029 timeframe this will help JPB understand how HSR is influencing the Caltrain on board and station (i.e. parking) capacity.
- VI. Other Related Studies: There are many other projects in process along the Caltrain Corridor by the Cities. Caltrain encourages HSR outreach and coordination with local, state, and federal agencies well as private entity organizations conducting projects along the Caltrain corridor.
- VII. Freight: There are operating rules and dispatching protocols in the South Terminal area that must be analyzed as part of the terminal capacity analysis.
- VIII. Regulatory Requirements: The JPB is subject to many regulatory requirements, including oversight by the Federal Railroad Administration (FRA) and the California Public Utilities Commission (CPUC), which is the State Safety Oversight for JPB operations. HSR will also be subject to regulatory requirements, and should include discussion of these requirements within the environmental document including but not limited to:
  - a. CPUC Rules
    - i. General Order #108 - <http://docs.cpuc.ca.gov/PUBLISHED/Graphics/568.PDF>
    - ii. General Order #118-A - [http://docs.cpuc.ca.gov/word\\_pdf/general\\_order/go118.pdf](http://docs.cpuc.ca.gov/word_pdf/general_order/go118.pdf)
    - iii. General Order #26d - <http://www.cpuc.ca.gov/qos/GO%2026-D.pdf>
  - b. FRA regulations and guidance
- IX. Caltrain Capital Program:
  - a. Previously completed Capital Program: JPB receives funding from many sources, including federal program monies. In some cases, recently completed capital projects may have been funded with federal funds that include useful life requirements or restrictions. JPB requests that the CHSRA study impacts on recently completed capital projects.
  - b. Future Capital Program projects: JPB requests that the CHSRA study potential impacts to future capital projects. The JPB has an extensive capital improvement program, which can be found on the Caltrain website at [http://www.caltrain.com/projectsplans/Projects/Caltrain\\_Capital\\_Program.html](http://www.caltrain.com/projectsplans/Projects/Caltrain_Capital_Program.html).
- X. Construction Impacts: The environmental document should disclose impacts to Caltrain service and Caltrain facilities, such as the stations, parking lots, and existing

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## Submission L003 (Michael Burns, Caltrain/JPB, June 8, 2016) - Continued

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Mr. Mark McLoughlin  
Page 7, June 8, 2016

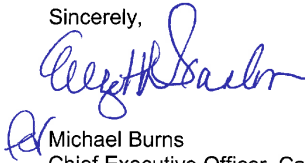
infrastructure resulting from HSR project implementation during construction. The impacts should be disclosed and mitigation proposed that will provide minimal disruption to Caltrain passengers during HSR construction.

- a. Electrification: It is anticipated that Caltrain will be fully electrified by the time HSR is implemented. Any impacts to the newly constructed infrastructure should be discussed, and a mitigation plan proposed.
- b. Caltrain Stations: Caltrain will maintain service during HSR construction, so impacts during construction at Caltrain stations with mitigation will need to be discussed.
- c. Trackwork, CEMOF and other tie-in locations: Caltrain will maintain service during HSR construction, so impacts during construction at Caltrain facilities with mitigation will need to be discussed.
- d. Terminals and layover yards: Caltrain will maintain service during HSR construction, so impacts during construction at Caltrain stations with mitigation will need to be discussed.

Thank you for the opportunity to comment on the San Francisco to San Jose Project Section Notice of Preparation (NOP) and Notice of Intent (NOI) for the preparation of an EIR/EIS. Please contact Elizabeth Scanlon, Caltrain Planning Manager, at 650-295-6867 or [scanlone@samtrans.com](mailto:scanlone@samtrans.com) should you have any questions or concerns.

We look forward to continuing to work with you.

Sincerely,



Michael Burns  
Chief Executive Officer, Caltrain Modernization Program/Caltrain Planning

Cc: Seamus Murphy, Caltrain Chief Communication Officer  
Elizabeth Scanlon, Manager Caltrain Planning  
Michelle Bouchard, Caltrain Chief Operating Officer, Rail  
Ben Tripousis, Northern California Regional Director, CA High Speed Rail Authority  
Lisa Alley, Chief of Communications, CA High Speed Rail Authority  
Guy Preston, Regional Delivery Manager, CA High Speed Rail Authority  
Stephanie Perez, Environmental Protection Specialist, Federal Railroad Administration

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Submission L004 (Chang, Kelly, Rahaim, Reiskin, City & County of San Francisco, SFMTA, SFPUC, SFCTA, June 17, 2016)

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**DATE:** June 17, 2016

**TO:** Mark A. McLoughlin  
Director of Environmental Services  
California High-Speed Rail Authority

**FROM:** John Rahaim, Planning Director  
San Francisco Planning Department  
Harlan L. Kelly, Jr., General Manager  
San Francisco Public Utilities Commission (SFPUC)  
Tilly Chang, Executive Director  
San Francisco County Transportation Authority (SFCTA)  
Edward D. Reiskin, Director of Transportation  
San Francisco Municipal Transportation Agency (SFMTA)

**RE:** Comment Letter on the Notice of Preparation of a Project Environmental Impact Report/Environmental Impact Statement for the California High-Speed Rail System, San Francisco to San Jose Project Section, Blended System Project.

The City and County of San Francisco (City) is a responsible agency for the California High-Speed Rail (HSR) system, San Francisco to San Jose Project Section, as the City will have discretionary approvals in connection to some proposals within the EIR/EIS. As a funder of planning and design studies at Caltrain's 4<sup>th</sup> and King station, and of Caltrain Electrification and Downtown Extension as well as of the Transbay Transit Center, the City is also vitally interested in advancing the blended Caltrain/High Speed Rail system. We are fully supportive of the HSR system and are excited to see the program reach the Bay Area, and ultimately connect to San Francisco's Transbay Terminal as outlined in the 2016 Business Plan.

As a responsible agency, the City appreciates the efforts of the CHSRA in working with the City regarding the content and scope of the Transportation Study and EIR/EIS. The City would like to be considered a "cooperating agency" to assist CHSRA in scoping and refining the San Francisco to San Jose corridor blended system project and EIR/EIS analysis. We would like to continue our conversation regarding the comments within this letter. The comments below reflect the combined staff comments from the San Francisco Municipal Transportation Agency (SFMTA), San Francisco Public Utilities Commission (SFPUC), the San Francisco County Transportation Authority (SFCTA), and the Planning Department.

**COMMENTS:**

***HSR Grade Crossings***

The rail crossing at 16<sup>th</sup> Street adjacent to Seventh Street is the most critical at-grade intersection within City limits. Due to major natural and infrastructure obstacles, 16<sup>th</sup> Street is the only major arterial for a two-mile stretch along the existing tracks that connects the east side and west side of the City. This street is the primary and only effective route for emergency vehicles, traffic, transit, pedestrians, and bicyclists travelling between the rapidly developing dense urban districts of Mission Bay and the Central Waterfront on the eastern waterfront, to the existing dense neighborhoods to the west, which also continue to grow.

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## Submission L004 (Chang, Kelly, Rahaim, Reiskin, City & County of San Francisco, SFMTA, SFPUC, SFCTA, June 17, 2016) - Continued

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California High-Speed Rail SF to SJ Segment NOP Comments

June 17, 2016

The 16<sup>th</sup> Street corridor is an important route for goods movement between the growing Mission Bay community and the areas to the west, including the Mission District. With implementation of the Eastern Neighborhoods Plan, the City has invested great resources and energy in connecting these neighborhoods together and creating walkable, bicycle-friendly, and transit-oriented connections. Already a significant thoroughfare for recent opened developments in Mission Bay, including the University of California San Francisco (UCSF) campus and Children's Hospital, 16<sup>th</sup> Street is anticipated to be more important in the near future due to forthcoming development in Mission Bay from UCSF, the approved Warriors Event Center, and the proposed development from the Giants at Seawall Lot 337.

The approved *Muni Forward 22 Fillmore Transit Priority Project* extends along 16<sup>th</sup> Street between Third and Church Street. This project will re-route and extend the 22 Fillmore electric trolley bus to operate along 16<sup>th</sup> Street to Third Street and Mission Bay Boulevard to serve the growing 16<sup>th</sup> Street corridor and employment and educational centers in Mission Bay. Along 16<sup>th</sup> Street in the segment between Third and Seventh Streets, side-running transit-only lanes will be implemented on 16<sup>th</sup> Street by converting a mixed-flow lane to a transit-only lane. West of Seventh Street, the transit lanes will be a combination of side-running and center-running transit-only lanes. The *22 Fillmore Transit Priority Project* will also include corridor-wide improvements such as transit bulbs, new traffic signals, pedestrian signals, sidewalk widening, and upgrading of the bicycle infrastructure on 17<sup>th</sup> Street to provide a parallel, contiguous, and safe bicycle route for traveling in the east-west direction. The implementation of the side-running transit-only lanes should be assumed in the transportation intersection analysis.

Additional HSR train frequency at the 16<sup>th</sup> Street at-grade crossing would limit access for people traveling by all modes (auto, transit, bicycle, and pedestrian) further bifurcating this area of the City. Increased frequency of trains crossing 16<sup>th</sup> Street would create a hostile and uninviting connection for pedestrians, cyclists, and limit emergency vehicle access between the area surrounding the UCSF Campus and Hospitals and employment centers to the east with rapidly growing residential development along 16<sup>th</sup> Street just west of Seventh Street. This will create considerable physical separation of the community and street network and diminish the viability of major approved development projects on adjacent parcels. The 16<sup>th</sup> Street corridor has been identified as key gateway for neighborhood development and improvement in plans adopted by the City, including the Eastern Neighborhoods Plan, the Transit Effectiveness Project (aka *Muni Forward*), and the Eastern Neighborhoods Transportation Implementation Planning Study. Grade separating 16<sup>th</sup> Street (by depressing 16<sup>th</sup> Street) would irreparably sever the two sides of the City. Additionally, such an expansive network of below-grade roadways and sidewalks would create personal safety issues and significantly impact the aesthetics and visual connection of this corridor between the two neighborhoods. It could also create drainage issues. The EIR/EIS needs to address the full range of impacts (auto, transit operations, bicycle, pedestrian, urban design, land use) of the at-grade crossings and prepare alternative designs that minimize community and transportation impacts.

North of 16<sup>th</sup> Street is Mission Bay Drive, which also crosses the Caltrain tracks at-grade. The EIR/EIS needs to address the full range of impacts (auto, transit operations, bicycle, pedestrian, urban design, land use) of this at-grade crossing with HSR operation and propose alternatives that minimize community and transportation impacts. No aspects of the HSR environmental analysis should preclude any options that the City is exploring to avoid at-grade rail crossings that will be utilized by HSR. The City would like to continue ongoing discussions and work in close consultation with CHSRA to address



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## Submission L004 (Chang, Kelly, Rahaim, Reiskin, City & County of San Francisco, SFMTA, SFPUC, SFCTA, June 17, 2016) - Continued

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California High-Speed Rail SF to SJ Segment NOP Comments

June 17, 2016

any potential conflicts in the environmental analysis that would preclude the City's ability to study alternatives to the at-grade crossings.

### ***San Francisco/ Brisbane border – Light Maintenance Facilities***

The study area boundary shown (in the scoping meeting presentation in slide 23) for a Brisbane maintenance facility alternative raises several issues. The maintenance facility would be immediately adjacent to the existing Caltrain Bayshore station platform. The impacts of this and other location options on existing/approved and potential future land uses should be assessed. For the Brisbane site in particular this includes the compatibility with desirable mixed use development including housing to address the severe affordable housing shortage in the San Francisco Bay Area, as well as other potentially valuable urban land uses. The area west of the tracks seems clearly unsuitable for a maintenance facility, considering that it includes the Schlage Lock development (the northwest corner) under construction for nearly 1,700 residential units, which would be incompatible with the noise and other impacts of a maintenance facility. The southwest portion of the study area (in Brisbane) is a prime location for mixed-use development, which could provide affordable housing and employment with excellent transportation access. The area east of the tracks seems more appropriate for consideration of a maintenance facility, although there are issues to consider, such as the effect on potential mixed-use development or possible expansion of the Recology site to facilitate achievement of Zero Waste goals.

The impacts on the Caltrain Bayshore Station operations and modification possibilities should be assessed. Any maintenance or other facilities also needs should be compatible with planned Bus Rapid Transit service connecting between Geneva Avenue and Candlestick development. The City welcomes the opportunity to be highly involved in determining the location, footprint, and concepts for any maintenance facilities, considering the direct impacts on San Francisco land uses and transportation connections. Also, the scoping meeting presentation map of the maintenance facility study area seems to relocate the Caltrain platform south of the existing placement (into Brisbane). Such a move would place this increasingly important station further from San Francisco development that is under-construction, approved, and planned. Finally, CHSRA should provide space in the maintenance facility for Caltrain use.

### ***Caltrain Impacts***

According to the operating plan of the blended system, Caltrain commuter rail would at maximum be six trains per direction per hour. It should be clarified how these will be coordinated with HSR operations to meet growth in demand. For example, the Bayshore Station was shown in the Caltrain Electrification EIR's prototypical schedule to revert to hourly peak service after HSR begins operating, although ridership at this station can be expected to grow substantially with major development within two miles under construction, approved, or potential approval in the near future. The secondary impacts of constrained Caltrain capacity on transportation, air quality, GHG emissions, should be assessed. We would like to continue ongoing discussions and work with CHSRA to address the cumulative year operation plans to address impacts related to the increased capacity of the combined HSR system throughout the San Francisco to San Jose corridor.

### ***4<sup>th</sup> & King Interim Station***

San Francisco supports the consistent use of the term "Interim Station" for 4<sup>th</sup> & King railyard location. As an interim station, the City would like to understand how the station would accommodate substantial increases in access needs from auto loading, pedestrian, bicycle, ride hailing, etc. as San Francisco/North

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## Submission L004 (Chang, Kelly, Rahaim, Reiskin, City & County of San Francisco, SFMTA, SFPUC, SFCTA, June 17, 2016) - Continued

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California High-Speed Rail SF to SJ Segment NOP Comments

June 17, 2016

bound trips served by this station would grow substantially with HSR. The station modifications are not identified yet in the exhibits provided. The City, Transportation Authority and the SFMTA request to be involved in determining the scope of the station concept plan to be assessed, along with Caltrain JPB. We would like to continue working with CHSRA in optimizing boarding at the 4<sup>th</sup> & King station and throughout the San Francisco to San Jose combined system corridor. The City looks forward to the continuation of a cooperative planning effort to integrate HSR into City infrastructure to connect the system to the Transbay Transit Center as its permanent terminus.

### ***Rail Alternative & Interstate 280 Boulevard (RAB) Study***

At this time San Francisco has not addressed how HSR/Caltrain will connect to the Transbay Transit Center and are looking at addressing this issue through the RAB Study. If we prefer an alternative that requires additional environmental review, we will do so as a supplemental to HSR and TJPA EIRs/EISs, in cooperation with both agencies and Caltrain. The City will continue to work with CHSRA and TJPA regarding those potential alignment connections.

### ***Connections between SFO Airport and the Millbrae Station***

SFO is part of the City and County of San Francisco jurisdiction; therefore, the City would like to continue cooperating with CHSRA to scope and plan an efficient connection/transfer between SFO and the Millbrae Station. The direct and indirect effects of major increases in transfer demand on existing and planned linkages (transit, taxi, ride hailing, etc.) with HSR should be assessed in the EIR/EIS.

### ***San Francisco Public Utilities Commission (SFPUC) Infrastructure/Facilities***

The influx of additional people entering the City could lead to the construction of new or expanded water facilities, which could lead to indirect environmental effects. We request the EIR/EIS estimate the volume of influx and the estimated distribution in the City (e.g., downtown shopping, businesses, ball park), and coordinate with the SFPUC to determine if any improvements to the distribution system would be warranted.

Vibration from new construction could lead to damage to both potable and Auxiliary Water Supply System (AWSS) infrastructure. The need for settlement monitoring should be determined.

Improvements or additions to Caltrain or future HSR improvements may necessitate the replacement or realignment of underlying potable and/or AWSS water infrastructure. If any portion of track is to be removed or modified over existing water infrastructure, the SFPUC should be consulted to determine if replacement of its water infrastructure would be necessary.

The Project Sponsor will be required to design all new applicable water facilities, including potable, AWSS, and non-potable water systems, to conform to the current SFPUC City Distribution Division (CDD) and San Francisco Fire Department standards and practices. These include, but are not limited to, the following:

- SFPUC-CDD Protection of Existing Water and AWSS Facilities;
- SFPUC Asset Protection Standards;
- Rules and Regulations Governing Water Service to Customers;
- SFPUC-CDD Design Criteria for Potable Water Systems;

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## Submission L004 (Chang, Kelly, Rahaim, Reiskin, City & County of San Francisco, SFPUC, SFPUC, SFCTA, June 17, 2016) - Continued

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California High-Speed Rail SF to SJ Segment NOP Comments

June 17, 2016

- Application for Water Supply and Responsibility of Applicants;
- San Francisco Fire Code and Reliability;
- California Waterworks Standards; California Code of Regulations Titles 17 and 22
- AWSS Distribution Piping; and
- Any other regulation governing the installation and protection of water facilities not already stated.

A hydraulic analysis would be required to confirm adequacy of water distribution system for new potable, non-potable, and fire uses. If current distribution system pressures and flows are inadequate, the Project Sponsor would be responsible for capital improvements required to meet the proposed project's water demands. Depending upon the size and complexity of the proposed project, the Project Sponsor could be required to pay for the hydraulic analysis. Additionally, a capacity fee would be assessed for the project. To initiate this process, please contact the Customer Service Bureau at 415-551-2900.

To ensure adequate fire suppression reliability and capacity for new facilities, the Project Sponsor could be required to include one or more of the following: two sources of water delivery (connections to two separate water mains), AWSS high pressure distribution piping, AWSS cistern, and/or Potable Water Supply System equipment.

The City, through the SFPUC, owns property immediately adjacent to Caltrain property in several Peninsula cities. The SFPUC Commission has adopted land use policies which heavily restrict the scope of use of the SFPUC property by third parties. The intent of these policies, among others not included with this letter, is to avoid any use on our land that, in the SFPUC's sole discretion, conflicts with the SFPUC free access to our lands and infrastructure. We require any third party that desires to use our property to adhere to our policies. This would affect plans to use SFPUC lands for either the construction of passing tracks or staging areas. The SFPUC looks forward to continued collaboration with CHSRA to address the agency's concerns regarding potential impacts of the HSR combined system with the SFPUC water infrastructure.

### ***Cultural Resources***

The proposed project is within archeologically sensitive areas and has the potential to impact significant historical resources and historic properties within the City. The Planning Department requests to be consulted regarding the identification and evaluation of historical resources and historic properties (including archeological resources), the analysis of impacts to historical resources and historic properties (including archeological resources), and the determination of appropriate mitigation measures. Additionally, the Planning Department requests to be consulted on the scope of all technical background studies on historical resources and historic properties, including archeological resources, and to review and comment on all such technical background studies. Depending upon the identification of significant impacts to historical resources or historical properties, a review and comment on the EIR/EIS by the San Francisco Historic Preservation Commission (HPC) may be requested and project approvals by the HPC may be required. An informational presentation on the EIR/EIS to the HPC, if historical resources are impacted, and Planning Commission will likely be requested.

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Submission L004 (Chang, Kelly, Rahaim, Reiskin, City & County of San Francisco, SFMTA, SFPUC, SFCTA, June 17, 2016) - Continued

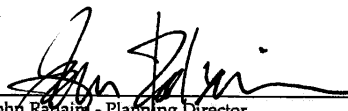
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California High-Speed Rail SF to SJ Segment NOP Comments

June 17, 2016

**Conclusion**

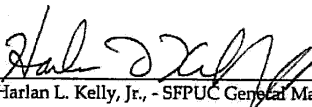
Thank you for the opportunity to provide comments on the HSR San Francisco to San Jose Segment NOP of an EIR/EIS. We look forward to continuation of a cooperative and successful planning effort to integrate the local, regional and inter-city benefits of high-speed rail to California and the San Francisco peninsula. Please do not hesitate to contact Gillian Gillett, Director of Transportation Policy, of the Office of Mayor Edwin M. Lee ([gillian.gillett@sfgov.org](mailto:gillian.gillett@sfgov.org)) or any of the undersigned if you have any questions.

  
John Rahaim - Planning Director

6.17.16  
Date

  
Edward D. Reiskin - SFMTA Director of Transportation

June 17, 2016  
Date

  
Harlan L. Kelly, Jr. - SFPUC General Manager

June 17, 2016  
Date

  
Tilly Chang - SFCTA Executive Director

June 17, 2016  
Date

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**Submission L005 (Carlos de Melo, City of Belmont, June 9, 2016)**

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June 9, 2016

Community Development Department  
Planning Division  
(650) 595-7417

Mark A. McLoughlin  
Director of Environmental Services  
ATTN: San Francisco to San Jose  
California High-Speed Rail Authority, 100 Paseo De San Antonio, Suite 206  
San Jose, CA 95113

RE: **City of Belmont Scoping Comments**  
**Environmental Impact Report/Environmental Impact Statement (EIR/EIS)**  
**San Francisco to San Jose Section - California High Speed Rail (HSR) Project**

This letter transmits the comments of the City of Belmont for issues requested to be studied in the Project-Level Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for San Francisco to San Jose Section of the California High Speed Rail (HSR) project.

**Specific Expertise of the City of Belmont**

CEQA Guidelines section 15086(c) requires that a city's comments be within an "area of expertise" of the city. The City of Belmont, as an agency responsible for general governmental functions, has expertise in all of the impact areas reviewed in a Project-Level Environmental Impact Report/Environmental Impact Statement (EIR/EIS), including, but not limited to, land use, population, employment and housing, transportation and circulation, public services and utilities, hazardous materials, hydrology and water quality, noise, air quality, and energy.

In addition, as an entity that frequently acts as a lead agency in completing environmental documents, the City of Belmont has specific expertise in the requirements imposed by the California Environmental Quality Act and CEQA Guidelines.

For coordination of all further consultation on the issues raised in this letter, please contact Carlos de Melo, Community Development Director at (650) 595-7440.

**Scoping Comments for Requested Study in Project EIR/EIS**

The California HSR project may have a significant impact on the City of Belmont. The selected HSR alignment along the current CalTrain right-of-way is located in the eastern portion of the City and provides a clear demarcation of the City from east to west. It is important that the HSR project include urban design and engineering solutions to minimize impacts and potentially reduce community divisions or barriers.



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## Submission L005 (Carlos de Melo, City of Belmont, June 9, 2016) - Continued

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City of Belmont  
Scoping Comments on Project EIR/EIS – San Francisco to San Jose Section – California High Speed Rail (HSR)  
June 9, 2016  
Page 2

The City of Belmont requests the CAHSRA address the following issues to be included in the scope of work for the project level EIR/EIS for the California High Speed Rail project from San Francisco to San Jose.

### Climate Change

- Provide an extensive and comprehensive analysis of climate change impacts associated with the implementation of the various options and alternatives through the mid-Peninsula area.

### Creek Impacts

- Evaluate impacts on Belmont Creek with regard to riparian habitat and creek flows.

### Economic Impacts

- Evaluate economic impacts to Belmont business areas (Ralston Avenue, Old County Road, Alameda De Las Pulgas, and El Camino Real Corridors) that may occur both during construction due to reduced access or traffic detours and subsequent to construction.
- Address impacts to Belmont's tax base during and after construction resulting from the HSR Project.
- The City has experienced CalTrain service cutbacks at the Belmont Station. Evaluate the opportunity and necessity to restore regular CalTrain service to the Belmont Station in conjunction with both the CalTrain Electrification and HSR projects.

### Hazardous Pedestrian/User Conditions

- Identify how the HSR project impacts pedestrian safety crossings, as well for users of the system (i.e. exposure to any Electromagnetic Fields (EMF)).

### Historic/Cultural Resources

- Evaluate the impact on historic structures/sites listed in the City of Belmont's Historic Inventory – 1993.
- Identify alternatives that would avoid or minimize project impacts on identified historic structures or areas.
- A current empty lot at 700 Old County Road (northwest corner of Old County Road and Ralston Avenue) contains historically sensitive items from the old "Angelo's Corners" of the 1850's; any construction in close proximity to this area could destroy historic artifacts. Redevelopment of this corner envisions an open plaza to protect this historically sensitive area. Address appropriate historic resource treatment of this area in conjunction with the HSR project.

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## Submission L005 (Carlos de Melo, City of Belmont, June 9, 2016) - Continued

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City of Belmont  
Scoping Comments on Project EIR/EIS – San Francisco to San Jose Section – California High Speed Rail (HSR)  
June 9, 2016  
Page 3

### Land Use Issues and Urban Design

- The City is currently preparing a Specific Plan for the Belmont Village area (BVSP). Anticipated adoption of the plan is first quarter 2017. A significant portion of the CalTrain property/right of way area falls within the BVSP. The Preferred Plan for the BVSP calls for improved east-west pedestrian/bicycle connections, including a new access connection from the O'Neill Avenue and El Camino Real intersection underneath the CalTrain tracks to Old County Road to the east. The City is interested in exploring this infrastructure improvement in coordination with the CalTrain Electrification and HSR project.
- Evaluate the potential impacts of associated land development and/or parking resulting from the construction of the HSR facilities. This should include working with City of Belmont staff to define a range of land use scenarios that might be generated from the project. Other impacts to be considered should include, but are not limited to, traffic and parking, visual resources, open space, and cultural/historic resources.
- Evaluate the potential impacts and effects of the HSR project on two existing Belmont development projects located in close proximity to the existing CalTrain ROW that provide crucial housing and services for special needs clients. The subject properties are as follows:
  - 1) **Horizons** - 825 Old County Road (24 units): For developmentally disabled, partnership between City, HUD, and Mid-Peninsula Housing Coalition
  - 2) **Mental Health Association of San Mateo County** - 800 F Street (24 very low income apartment units) – City & Low-Moderate Income (LMI) Funded

### Noise Impacts

- Evaluate how noise levels would vary with proposed track alignments and consider methods to reduce those impacts.
- Evaluate the impact on adjacent properties caused by vibrations associated with each construction method and mitigations to reduce those impacts.

### Private Property Impacts

- Evaluate the impacts of loss of real property values of adjacent and nearby properties due to the project. The analysis should consider the impacts of noise, vibration, increased daily trains, visual impacts of elevated structures, quality of life, changes to circulation and access associated with the project.
- Analyze construction techniques that reduce construction and excavation impacts to adjacent properties.

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## Submission L005 (Carlos de Melo, City of Belmont, June 9, 2016) - Continued

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City of Belmont  
Scoping Comments on Project EIR/EIS – San Francisco to San Jose Section – California High Speed Rail (HSR)  
June 9, 2016  
Page 4

### Public Services/Utilities

- Evaluate the HSR electrification impact on 1) Belmont utility rates, and 2) the City's current P.G.E. substation (which may be outdated and has provided inadequate and non-timely service restoration during power outages).
- Belmont is approximately 40% complete with a full utility undergrounding project (via PGE Rule 20A Funds) along the entire length of Old County Road within the City. Evaluate the resulting impact of the HSR project on the *Old County Road Undergrounding Project*.

### Rail Alignment, Profile and Right-of-way

- The EIR/EIS should provide a complete analysis of all linear rail corridor elevation options.
- Evaluate alternatives that would eliminate or substantially minimize the need to acquire additional right-of-way.
- Include an alternative that does not retain freight service on the CalTrain right-of-way and the requisite freight service railroad design requirements to accommodate freight operations.

### Belmont CalTrain Station Improvements

- Evaluate station improvements, and more specifically, alternative pedestrian access to the platform, including removal of the current elevator that may improve safety.

### Traffic Circulation

- Analyze the full traffic circulation, safety, emergency response and economic impacts of any proposed closures of existing at grade crossings.
- Analyze traffic impacts to City streets affected during construction, and specifically identify any streets that would be detoured or closed during construction or permanently as part of the project.

### Trees and Vegetation

- Analyze and mitigate the impacts of loss (removal or trimming) of significant trees and vegetation screening along the CalTrain right-of-way.

### Visual Impacts

- Analyze project visual impacts and identify ways to reduce visual impacts to the community.

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## Submission L005 (Carlos de Melo, City of Belmont, June 9, 2016) - Continued

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City of Belmont  
Scoping Comments on Project EIR/EIS – San Francisco to San Jose Section – California High Speed Rail (HSR)  
June 9, 2016  
Page 5

- Evaluate incorporating new and upgraded auto/pedestrian/bicycle grade separations of the railroad at the Ralston Avenue and Harbor Boulevard Intersections. Evaluate the effect of the HSR project on bike lanes that serve east-west traffic in the City.
- The EIR/EIS should analyze how the project when built and during construction would impact access on CalTrain, Samtrans and other local bus and shuttle services within Belmont.

The City of Belmont appreciates the opportunity to provide these comments on the scope of work for the Environmental Impact Report and Environmental Impact Statement for the San Francisco to San Jose HSR Project. The City looks forward to working with CAHSR staff on an ongoing basis to review alternatives, impacts and mitigation measures for the project in Belmont.

If you have any questions about this letter, feel free to contact me at (650) 595-7440 or via email at [cdemelo@belmont.gov](mailto:cdemelo@belmont.gov)

Sincerely,



Carlos de Melo  
Community Development Director

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Submission L006 (John Swiecki, City of Brisbane, June 9, 2016)

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9 June 2016

Mark McLoughlin  
Director of Environmental Services  
Attn: SF to SJ Section EIR/EIS  
CA High Speed Rail Authority  
100 Paseo de San Antonio  
San Jose, CA 95113

Re: San Francisco to San Jose Section EIR/EIS NOP

Dear Mr. McLoughlin:

Thank you for the opportunity to review the above-referenced Notice of Preparation. The City of Brisbane's comments follow below, organized under the categories of HSR Construction, HSR Operations, and HSR Maintenance Yard.

HSR Construction

The forthcoming Draft EIR/EIS should specifically identify any proposed track configuration or elevation changes through Brisbane proposed as part of the project. The DEIR/DEIS should further identify proposed hours of construction as well as any potential impacts on the design, location, and operations of the existing Bayshore Caltrain Station. Construction-related impacts on the City of Brisbane as a whole pertaining to noise, vibration, air quality, dust, drainage, safety, and traffic, should be evaluated in the forthcoming DEIR/DEIS.

It is also the City's understanding that project construction will result in fencing of the entire rail alignment through Brisbane. Assuming this is the case, direct overland access from most of the City of Brisbane to San Francisco Bay would be eliminated. This impact should be analyzed in the forthcoming DEIR/DEIS, and mitigation measures incorporated into the project which re-establish community access to the Bay. The forthcoming DEIR/DEIS should further evaluate the biological impacts of eliminating overland access between upland habitat areas, including the San Bruno Mountains, and San Francisco Bay, and incorporate feasible measures to mitigate this impact.

High Speed Rail Operations

The impacts of HSR operations on the entire City of Brisbane pertaining to safety, noise, vibration, sea level rise, light and glare, aesthetics and land use compatibility must be analyzed in

*Providing Quality Services*



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## Submission L006 (John Swiecki, City of Brisbane, June 9, 2016) - Continued

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the forthcoming EIR. Additionally, the impacts of HSR operations on biological resources associated with Brisbane Lagoon and adjacent wetlands should be evaluated. Since the HSR alignment runs adjacent to a Kinder-Morgan fuel tank farm, potential safety and risk of upset issues should be analyzed in the forthcoming DEIR/DEIS. HSR operations will also occur in close proximity to the historic Southern Pacific Railroad Roundhouse, which is listed on the National Register of Historic Places. The impacts of HSR operations, including vibration and other impacts, on the Roundhouse and other nearby potentially historic buildings (Machinery and Equipment Building) must be evaluated in the forthcoming DEIR/DEIS.

In regard to land use compatibility, the HSR alignment bisects an approximately 650-acre vacant site known as the Brisbane Baylands. The City is actively engaged in the planning and environmental process for the future development of this site, and the impacts of ongoing HSR operations on the future development of the Baylands must be evaluated. Specifically, potential land use compatibility, safety, noise, air quality, vibration, and aesthetic impacts must be evaluated and mitigated to the maximum extent feasible.

### Maintenance Yard

It is the City's understanding that the forthcoming DEIR/DEIS will evaluate two alternatives for locating a potential light maintenance facility on the Brisbane Baylands site. This evaluation should be organized such that the impacts of the maintenance yard are clearly identified, along with a separate analysis addressing the cumulative impacts of high speed rail operations plus maintenance facility operations. It is the City's expectation that the maintenance yard as a project component will be described in sufficient detail to allow for a meaningful environmental evaluation. Facility layout, scale, operational characteristics, hours of operations, utility demands, and estimated on-site employees are all components that should be clearly described in the project description to ensure that an adequate environmental analysis is undertaken.

The maintenance facility analysis should identify potential impacts on the entire City of Brisbane pertaining to noise, air quality, traffic, aesthetics, light and glare, and safety. Additionally, in preparing the Brisbane Baylands EIR, a number of site specific impacts were identified related to hazardous materials, geotechnical, seismic, sea level rise, biological resources, and traffic. We look forward to the upcoming DEIR/DEIS analyses of these issues. The forthcoming DEIR/DEIS should also address such issues as how development of the maintenance yard might affect future construction of the planned Geneva Avenue extension from Bayshore Boulevard to the 101 freeway. Horizontal and vertical design issues related to the former landfill located in the easterly portion of the HSRA study area should also be addressed.

The City would also emphasize land use compatibility as an issue of particular concern to be addressed in the forthcoming DEIR/DEIS. As noted previously, the City is reviewing planning applications for the Brisbane Baylands site. The forthcoming HSR DEIR/DEIS must identify how all of the maintenance yard alternatives impact all facets of the future development plans for the larger Brisbane Baylands site. Issues to be considered include but are not limited to provision of infrastructure, landfill closure and/or site remediation, circulation and broader issues related to land use compatibility, such as the configuration of lands remaining after development

*Providing Quality Services*

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Submission L006 (John Swiecki, City of Brisbane, June 9, 2016) - Continued

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of the maintenance yard and how the maintenance facility's operational characteristics will impact adjacent future land uses.

The City is also concerned that the DEIR/DEIS NOP does not clearly identify any non-Baylands alternative sites for a maintenance yard in the San Jose/San Francisco segment of HSR. CEQA requires that than EIR include a reasonable range of alternatives, and the City does not believe that limiting the maintenance yard alternatives solely to the Brisbane Baylands site represents a reasonable range of alternatives. We look forward to the forthcoming DEIR/DEIS evaluating alternative maintenance facility sites outside the limits of the Brisbane Baylands.

In addition to the comments above related to the forthcoming DEIR/DEIS, the City has other concerns related to the potential establishment of a maintenance yard on the Brisbane Baylands in lieu of private development as now under consideration. Existing private businesses on the Baylands generate substantial revenue to the City of Brisbane, and buildout of the Brisbane Baylands as a private development is anticipated to generate additional revenue to the City. Future site development is also anticipated to remediate the site, fund and/or construct required on- and off- site infrastructure improvements, and provide a variety of community benefits both on- and off-site. It is expected that the establishment of a maintenance facility as being considered will impact current revenue-producing operations on site, and diminish or eliminate the project's ability to achieve the anticipated benefits of future development as described above. If CAHSRA chooses to establish a maintenance facility on the Baylands, the City expects CAHSRA will offset these losses to the City of Brisbane and its residents.

Thank you for the opportunity to offer these comments, and we look forward to reviewing the DEIR/DEIS when available. Should you have any questions regarding this letter, please contact me at [jswiecki@ci.brisbane.ca.us](mailto:jswiecki@ci.brisbane.ca.us) or 415.508.2120.

Sincerely,



John A. Swiecki, AICP  
Community Development Director  
City of Brisbane

c: Clay Holstine, City Manager  
Ben Tripousis, CAHSRA Northern Regional Director

*Providing Quality Services*

Submission L007 (Ray Chan, City of Millbrae, May 20, 2016)



## Submission L007 (Ray Chan, City of Millbrae, May 20, 2016) - Continued



*City of Millbrae*  
621 Magnolia Avenue, Millbrae, CA 94030

May 20, 2016

Mark A. McLoughlin  
Director of Environmental Services  
ATTN: San Francisco to San Jose Project Section  
California High-Speed Rail Authority  
100 Paseo De San Antonio, Suite 206  
San Jose, CA 95113

**Re: Comments on the California High Speed Rail San Francisco to San Jose Project Section  
Notice of Preparation (NOP) and Notice of Intent (NOI) for the preparation of an Environmental  
Impact Report/Environmental Impact Statement (EIR/EIS)**

Dear Mr. McLoughlin,

Thank you for the opportunity to comment on the scoping for the California High Speed Rail EIR/EIS (herein referred to as the EIR/EIS). The City of Millbrae respectfully requests that the following items be included in the High Speed Rail project documentation.

There are two important items that the High Speed Rail Authority should prepare now, and eventually incorporate into to High Speed Rail plan and the EIR/EIS analysis and documentation.

1. The High Speed Rail Authority should prepare a Comprehensive Station Area Access Plan for the Millbrae station area. This work should be done now as part of the High Speed Rail project planning since there are other development plans moving forward at the Millbrae station. The High Speed Rail Comprehensive Station Access Plan should incorporate the two separate (and currently ongoing) Millbrae Station area development station access plans into the access plan for the High Speed Rail project. The High Speed Rail Comprehensive Station Access Plan should include access for all land uses and activity within the Millbrae station area, as well as surrounding the Millbrae station area, and include all modes such as shuttles, transit, intermodal transfers, bicyclists, pedestrian, etc.

The High Speed Rail Comprehensive Station Access Plan should include the bicycle/pedestrian connections between the station and the Bay Trail, other bicycle/pedestrian connections from each side of the station. The EIR/EIS should include an analysis of all the bicycle/pedestrian connections and calculate the High Speed Rail project's fair share payment of the cost of the connections.

The High Speed Rail Comprehensive Station Area Access Plan and the EIR/EIS should analyze the Millbrae station improvement plans and ensure that all plans are consistent with the design guidelines/policies contained in the 2016 Millbrae Station Area Specific Plan (MSASP) and also the Millbrae General Plan.

The High Speed Rail Comprehensive Station Area Access Plan should be consistent with the design build out and projections of the 2016 MSASP. Likewise, the analysis of the High Speed Rail Comprehensive Station Area Access Plan as well as all traffic and transportation analysis in the EIR/EIS should also be consistent with the design build out and projections of the 2016 MSASP.

City Council/City Manager/City Clerk  
(650) 259-2334

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(650) 558-7600

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Police  
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Community Development  
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(650) 259-2339

Finance  
(650) 259-2350

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(650) 259-2360

ANNE OLIVA  
Mayor

REUBEN D. HOLOBER  
Vice Mayor

GINA PAPAN  
Councilwoman

ANN SCHNEIDER  
Councilwoman

WAYNE J. LEE  
Councilman

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## Submission L007 (Ray Chan, City of Millbrae, May 20, 2016) - Continued

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Page 2

The City of Millbrae will be happy to share information on the other access plans currently in development, the MSASP and General Plan and to make sure the scope of work for the High Speed Rail Comprehensive Station Area Access Plan will serve the needs of all entities.

2. The High Speed Rail Authority should prepare a High Speed Rail Parking Resources Management Plan that includes a parking study area covering the station area and the downtown Millbrae greater area. The High Speed Rail Parking Resources Management Plan should include all public spaces (on-street, off-street), private spaces (including on-airport lots, off-airport lots, hotels, etc.) and anything that may be used for High Speed Rail parking.

The High Speed Rail Parking Resources Management Plan should account for all development activity in the parking study area, include short-term and longer-term horizon years, include the parking inventory for each period, the projected parking demand categorized by land use, parking shortfalls and surpluses for each horizon year by sub-area, and the implementation costs of additional parking resources and responsible entity, etc.

The City of Millbrae will be happy to share available parking information and to make sure the scope of work for the High Speed Rail Parking Resources Management Plan will serve the needs of all entities.

Thank you for the opportunity to comment on the California High Speed Rail San Francisco to San Jose Project Section Notice of Preparation (NOP) and Notice of Intent (NOI) for the preparation of an Environmental Impact Report/Environmental Impact Statement (EIR/EIS). We look forward to working with you on the High Speed Rail Comprehensive Station Area Access Plan and the High Speed Rail Parking Resources Management Plan, and reviewing the EIR/EIS documents. Please contact Ray Chan, Public Works Director, at (650) 259-2329, with any questions about this letter.

Sincerely,

*Ray Chan*

Ray Chan, PE  
City of Millbrae Public Works



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**Submission L008 (Linda Forsberg, City of Mountain View, May 25, 2016)**

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May 25, 2016

Mr. Guy Preston  
Northern California Regional Delivery Manager  
California High Speed Rail Authority  
100 Paseo de San Antonio  
San Jose, CA 95113

Dear Mr. Preston:

The City of Mountain View appreciates the opportunity to provide input regarding the intersections to be studied as part of the Draft Environmental Impact Report/Environmental Impact Statement for the San Jose to San Francisco portion of the California High Speed Rail Project.

City staff has reviewed the list of proposed intersections to be studied that were identified in Table 3 of the May 6, 2016 memorandum prepared by Fehr & Peers and requests the following additional intersections in Mountain View be added to the four intersections already included on the list:

- Castro Street/Villa Street
- Castro Street/West Dana Street
- Castro Street/California Street
- Evelyn Avenue/Hope Street
- Moffett Boulevard/Central Avenue
- Rengstorff Avenue/Stanford Avenue
- Rengstorff Avenue/California Street

The City is requesting the inclusion of these additional intersections because of their proximity to the tracks and the likely impact high speed rail operations will have on the intersections. Most of the intersections were included in the Caltrain Electrification Project environmental documents and are located within the Downtown Mountain View area which serves as commercial, business, residential and multi-modal street network used by public and private transit services, pedestrian, bicyclists and main access to the Mountain View Downtown Transit Center.

*Recycled Paper*

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Submission L008 (Linda Forsberg, City of Mountain View, May 25, 2016) -  
Continued

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Mr. Guy Preston  
May 25, 2016  
Page 2

Furthermore, the City requests that not only the Level of Service (LOS) be analyzed at each of the Mountain View intersections listed above, but also a Synchro analysis be conducted for each intersection to truly assess the impacts of queueing and traffic backups at the intersections.

Please contact Mountain View's City/County Staff Coordinating Group (C/CSCG) representatives ([linda.forsberg@mountainview.gov](mailto:linda.forsberg@mountainview.gov), [helen.kim@mountainview.gov](mailto:helen.kim@mountainview.gov), and [jacqueline.solomon@mountainview.gov](mailto:jacqueline.solomon@mountainview.gov)) if you have any questions or require additional clarification regarding this request.

Sincerely,



Linda Forsberg  
Transportation and Business Manager

cc: APWD – Solomon, CTE, TP – Kim

Bob Grandy – Fehr & Peers

Ben Tripousis – California High Speed Rail Authority

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Submission L009 (Joshuah Mello, City of Palo Alto, May 16, 2016)

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PLANNING & COMMUNITY ENVIRONMENT

CITY OF  
**PALO  
ALTO**  
250 Hamilton Avenue, 5th Floor  
Palo Alto, CA 94301  
650.329.2441

May 16, 2016

Ben Tripousis  
Northern California Regional Director  
California High Speed Rail Authority  
100 Paseo de San Antonio  
San Jose, CA 95113

**RE: Request for Comments on Proposed High Speed Rail Draft EIR/EIS Study Intersections**

Dear Mr. Tripousis:

Thank you for the opportunity to comment on the proposed list of study intersections for the Draft EIR/EIS for the San Jose – San Francisco segment of the proposed High Speed Rail System. However, we are disappointed that the city was provided only one week between the comment notification and the due date. As such, we are providing the following initial comments by the requested date, but this does not preclude submittal of additional comments prior to the close of the Notice of Preparation comment period.

In addition to the Palo Alto intersections listed in Table 3 on Page 9 of the document enclosed with the letter, please include the following:

1. Churchill Avenue at Castilleja Avenue
2. Churchill Avenue at Bryant Street
3. West Charleston Road at Wilkie Way
4. East Meadow Drive at Bryant Street
5. West Meadow Drive at Wilkie Way

Furthermore, intersection evaluation and recommendations must account for pedestrian and bicyclist safety and convenience. Existing at-grade rail crossings function as designated active transportation school commute corridors and principle linkages in the citywide bicycle transportation network.

We may also have additional suggestions when more detail is provided regarding grade crossing, passing track and station improvements proposed as part of the high speed rail project.



[CityOfPaloAlto.org](http://CityOfPaloAlto.org)

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Submission L009 (Joshuah Mello, City of Palo Alto, May 16, 2016) -  
Continued

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We hope to provide additional comments shortly and request that future requests allow more time for review.

Yours Truly,

A handwritten signature in blue ink, appearing to read 'J. Mello', with a long horizontal stroke extending to the right.

Joshuah D. Mello, AICP  
Chief Transportation Official

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Submission L010 (Jeff Maltbie, City of San Carlos, May 26, 2016)

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CITY OF SAN CARLOS

CITY COUNCIL

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SAN CARLOS, CALIFORNIA 94070-3085

TELEPHONE: (650) 802-4228  
FAX: (650) 595-6729

WEB: <http://www.cityofsancarlos.org>

May 26, 2016

Mark A. McLoughlin  
Director of Environmental Services  
California High-Speed Rail Authority  
770 L Street, Suite 1160  
Sacramento, CA 95814

**RE: Notice of Preparation (NOP) of a Project Environmental Impact Report/Environmental Impact Statement for the California High-Speed Rail (HSR) System, San Francisco to San Jose Project Section, Blended System Project**

Dear Mr. McLoughlin:

On behalf of the City of San Carlos, I am writing to comment on the recently released NOP to inform stakeholders (members of the public; Tribes; federal, state and local agencies; organizations, and other parties) about the Blended System Project to solicit input on the scope of the EIR. As the City understands it, the original NOP from 2008 is being rescinded, and the High-Speed Rail Authority is starting over. The most recent NOP states that the preparation of the San Francisco to San Jose Project Section EIR/EIS for the blended system will involve a scoping and public outreach process; development of preliminary engineering designs; and assessment of environmental effects associated with the construction, operation and maintenance of the HSR system, including track, ancillary facilities and stations, along the Caltrain corridor from San Francisco to San Jose.

***Previous Comments***

The City of San Carlos submitted comments on the Initial Blended Operations Analysis in early 2012. This included a formal Comment Letter from the Mayor dated January 10, 2012 and a set of Additional Comments in a Letter from the City Manager dated March 7, 2012. The City also submitted a comment letter dated May 14, 2013 regarding the Caltrain/California HSR Supplemental Blended Operations Analysis dated April 2013.

***Active Participation in the Process***

The City of San Carlos has been and continues to be an active participant in the discussions, workshops and meetings regarding the Caltrain Modernization and Electrification program and the proposed California HSR system, since these proposals first emerged in 2008. The City has provided input, feedback and comments in several forums since that time, including the monthly Local Policy Makers Group and City/County Staff Coordinating Group meetings with Caltrain engineers and staff.





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## Submission L010 (Jeff Maltbie, City of San Carlos, May 26, 2016) - Continued

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### ***HSR Blended System Alternative***

As the City understands it, the Blended System Project follows the Caltrain right-of-way from San Francisco to San Jose. It would utilize existing and in-progress infrastructure developed by Caltrain for its electrification project, but require additional construction above and beyond electrification. The Blended System Project is anticipated to include the following, subject to continued planning and engineering following the seeping/outreach process:

#### **New and/or Upgraded Infrastructure**

- Track improvements to support higher speeds, including upgrades of tracks, trackbeds, ties, interlockings and curve straightening;
- At least one set of passing tracks, with potential alternative locations for additional passing tracks;
- One terminal storage maintenance facility, with potential alternative locations;
- Improvements to existing bridges necessary to accommodate mixed traffic;
- Potential grade separations necessary to support blended operations; and
- Installation of four-quadrant gates at remaining grade crossings.

#### **Proposed Operations**

- High-speed rail vehicles operating with Caltrain on predominantly the same tracks between San Francisco and San Jose;
- Speeds of up to 110 miles per hour; and
- Operations plan that would allow for up to four high-speed trains per hour/per direction in the peak period.

The City understands that the EIR/EIS process will evaluate and document the effects of the proposed project on the physical, human and natural environment. The San Francisco to San Jose Project Section EIR/EIS will evaluate the potential social, environmental and economic impacts of the construction and operation of the proposed blended system shared by Caltrain and HSR service, and other current passenger and freight rail tenants along the Caltrain corridor between San Francisco and San Jose. Impact areas to be addressed include transportation, including impacts on existing passenger and freight rail tenants; safety and security; land use and zoning; land acquisition, displacements and relocations; cumulative and secondary impacts; cultural resource impacts, including impacts on historical and archaeological resources and parklands/recreation areas; neighborhood compatibility and environmental justice; geology and paleontology impacts; natural resources impacts, including air quality, wetlands, water resources, noise and vibration, wildlife and ecosystems, including endangered species; and energy and hazardous materials. Measures to avoid, minimize and mitigate adverse impacts will be identified and evaluated.

### ***City Concerns***

The City of San Carlos has particular concerns in the areas of cultural resources, as the historic San Carlos Depot is located in close proximity to the tracks in the corridor, and natural resources, as there are many trees along the corridor that the City believes are important to maintain. There may be other areas of concern highlighted as staff begins to review and understand the details of the project, which will be commented on during the process.

The City remains opposed to any passing tracks that would be located in San Carlos, and is ultimately interested in a discussion of how the passing tracks would blend with the existing tracks. During the previous discussions regarding HSR, San Carlos stated its intent was to ensure that all passing tracks were of the same style and height as the existing berm, but would be satisfied with the possible replacement of the existing Berm with an open Viaduct design that was well

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Submission L010 (Jeff Maltbie, City of San Carlos, May 26, 2016) -  
Continued

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landscaped, opened up East/West traffic circulation and offered the potential of further economic development in the city, if the final decision was to locate passing tracks here.

As noted earlier, the City of San Carlos plans to continue to be an active participant in the study process for Caltrain Electrification, Blended Operations and California HSR as these projects continue to move toward implementation. We appreciate your support and work on this project. If you have any questions, please contact me or Public Works Director Jay Walter, at (650) 802-4203.

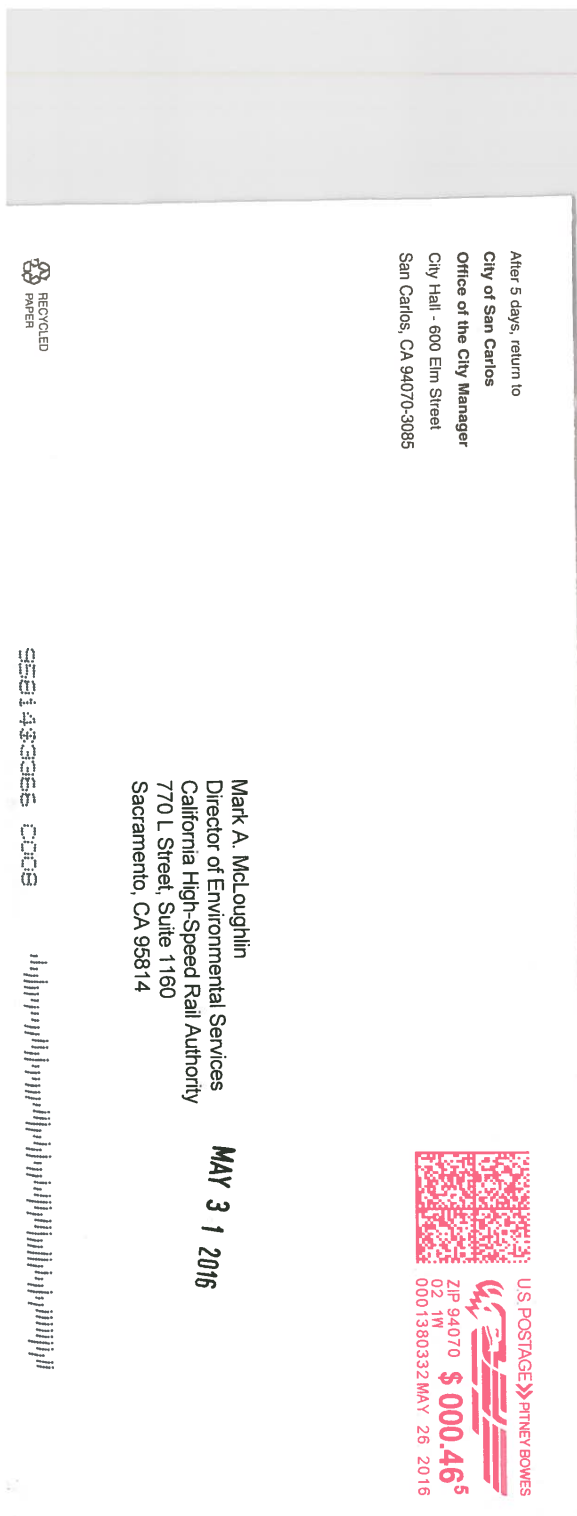
Sincerely,



Jeff Maltbie  
City Manager

cc: San Carlos City Council

## Submission L010 (Jeff Maltbie, City of San Carlos, May 26, 2016) - Continued



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Submission L011 (Freitas, Ortbal, City of San Jose Department of  
Transportation, July 20, 2016)

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July 20, 2016

Department of Transportation  
JIM ORTBAL, DIRECTOR

Mr. Mark A. McLoughlin  
San Francisco to San José Section EIR/EIS  
California High-Speed Rail Authority  
100 Paseo de San Antonio, Suite 206  
San José, CA 95113

**RE: California High-Speed Rail  
Scoping Comments on the San Francisco to San José Section**

Dear Mr. McLoughlin:

This letter is in response to the High-Speed Rail Authority's (Authority) May 9, 2016, issuance of the Notice of Preparation (NOP) to initiate the development of a project-level Environmental Impact Report/Statement (EIR/EIS) for the San Francisco to San José (SF-SJ) section of the California High-Speed Rail Project (Project)<sup>1</sup>. As requested in the NOP, the purpose of this letter is to provide input on the scope of environmental impacts to be considered and/or evaluated in the preparation of the Draft EIR/EIS.

*1. Citywide Perspective*

Through the NOP, the Authority has requested comments on the SF-SJ section. However, the inter-relationship between the SF-SJ section and the San José to Merced section (SJ-MCD), particularly in consideration of 1) Caltrain and the Blended System operations, 2) the combination of alignment alternatives throughout the corridor, and 3) the effect on the Diridon Transit Center, are all valid reasons that necessitate a broader, overall consideration of the High Speed Rail project in the City of San José. In short, certain decisions made relative to the SF-SJ section will effect or dictate decisions in the SJ-MCD section, and vice versa. It is requested that the Authority comprehensively evaluate the full range of alternatives in such a way as to effectively guide City staff, our policy-makers and our community through the development and delivery of a project that works for the Authority and the City San José as a whole. Several specific examples of the need for a comprehensive evaluation of the corridor are discussed in the attached letter to the Authority, dated April 14, 2016, commenting on the Draft 2016 Business Plan and are incorporated herein by reference.

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<sup>1</sup> It is noted that an NOP for this section of the Project was originally issued in December 2008. The original NOP was rescinded and reissued in the May 2016 NOP. Comments submitted by the City in response to the original NOP are restated in this letter, as applicable.

## Submission L011 (Freitas, Ortbal, City of San Jose Department of Transportation, July 20, 2016) - Continued

Mr. Mark A. McLoughlin, California High-Speed Rail Authority  
Subject: Scoping Comments on the San Francisco to San José Section  
July 20, 2016  
Page 2 of 5

### 2. Blended System Alternative

The City of San José appreciates the Authority's response to community concerns and subsequent work to revisit and redefine the SF-SJ section. It is our understanding that this effort resulted in the development of the Blended System approach, which is one of the alternatives to be evaluated in the EIR/EIS. As stated in the adopted 2016 Business Plan, the Authority believes this approach will minimize impacts on surrounding communities, reduces project cost, improves safety and expedites implementation.

However, the Blended System represents a significant departure from the service model previously studied by Caltrain and the Authority. As such, the EIR/EIS should evaluate the operational analysis, technical plans, modeling and coordinate future needs of other users of the trackway to verify the viability of the Blended System to include identification of passing track locations, grade separations, at-grade crossing enhancements, providing level boarding, extending platforms, and other improvements that will be important to make for reliable, frequent, clear and easy intermodal connections.

With the above-mentioned challenges and unknowns, the City would like to better understand why the High Speed Rail Authority is only analyzing a No Project and Blended System Alternative. The City requests that the Authority provide justification for not proposing additional alternatives at this time. Based on the proposed project description, it is unclear if the proposed scenarios will be able to accurately compare impacts or identify a superior environmental project. We look forward to the work ahead to advance plans for greater levels and increased quality of service by the many operators that run to and through San José.

### 3. Development of the Diridon Transportation Center

The development of the Diridon Transportation Center in Downtown San José has been a focal point for the City for decades. It's potential to function as a major regional multimodal hub providing direct transit service throughout Silicon Valley, the Bay Area and the State cannot be understated. The Diridon Transportation Center will experience a significant transformation due to the Caltrain Modernization project, the BART extension into Downtown San José and the High Speed Rail project. In addition, the City is seeing renewed private interest in developing the lands adjacent to the Diridon Transportation Center. While this confluence of activity presents several challenges, it also brings to light the need for the station area to develop into a world-class facility and key hub in the California statewide rail network.

To this end, the City appreciates the High Speed Rail Team's participation as integral members of both the Santa Clara Valley Transportation Authority's Diridon Station Joint Policy Advisory Board and the Diridon Station Intermodal Task Force, and for providing grant funding to support work to implement aspects of the Diridon Station Area Plan. It is through this continued level of joint agency partnership on project-level planning that key issues can be openly and proactively addressed in the EIR/EIS to include:



## Submission L011 (Freitas, Ortbal, City of San Jose Department of Transportation, July 20, 2016) - Continued

Mr. Mark A. McLoughlin, California High-Speed Rail Authority  
Subject: Scoping Comments on the San Francisco to San José Section  
July 20, 2016  
Page 3 of 5

- a. Achieving the Mutual Goals of the Partner Agencies
  - Deliver major transit/rail projects on schedule
  - Develop and significantly expand the Diridon Transportation Center by 2025, optimizing access and circulation to and through the area as well as connectivity between the various modes and service providers
  - Integrate private development, maximizing its quality and density
  - Minimizing transit user and community disruption during the construction phases and after project completion
- b. Preparing to Construct the Project
  - HSR, BART and private development construction – coordinating designs, staging areas, timelines, and to address construction-related parking impacts
  - Addressing cumulative parking demands associated with High Speed Rail, BART, Caltrain and other transit service providers
  - Enhancing access by other modes and encouraging “transit to transit” connectivity, including during construction

#### 4. High Speed Rail Corridor Development

- a. Of particular interest is the identification of those facilities needed to support high speed rail operations and their impacts on the surrounding environment. This includes locations of passing tracks, sub-stations, maintenance facilities, train storage requirements and other infrastructure needs. These facilities, if applicable and where warranted, should be identified and considered for their impact to the surrounding community and environment.
- b. It is understood that the San José to Merced section (SJ-MCD) is considered fully funded, however funding for the SF-SJ section is uncertain at this time. It is requested that the Authority consider an option with the Diridon Transportation Center operating as an interim terminus, e.g., tail track, turnaround requirements, train storage/staging, etc.
- c. It is understood that the SF-SJ EIR/EIS will be developed concurrently with the SJ-MCD section EIR/EIS. In the past, this has created some confusion with the project limits between the two sections. The Authority should make clear the limits of study area associated with the respective project sections (SF-SJ and SJ-MCD) and that both environmental documents have reference to one another, specifically noting that the two sections overlap at the Diridon Transportation Center, i.e., the SF-SJ section extends south of the Diridon Transportation Center and the San José to Merced section extends north of it.
- d. It was the City’s understanding that aerial, at-grade and tunnel approaches at and near Diridon Station would continue to be evaluated through public planning and environmental process. However, as noted on page 28 of the *Capital Cost Basis of Estimate Report* (2016 Business Plan: Technical Supporting Documents) the aerial approach to Diridon station has been removed. The City requests the aerial approach

## Submission L011 (Freitas, Ortbal, City of San Jose Department of Transportation, July 20, 2016) - Continued

Mr. Mark A. McLoughlin, California High-Speed Rail Authority  
Subject: Scoping Comments on the San Francisco to San José Section  
July 20, 2016  
Page 4 of 5

continue to be evaluated and appropriately addressed through the alternatives analysis to provide a clear understanding of the alternatives and how they compare with each other not only in the vicinity of the Diridon Transportation Center, but to the adjacent communities.

- e. It is recommended that the boundary of the area studied in the EIR/EIS be carefully considered and possibly expanded beyond the footprint of the project. As it is assumed that the project will be environmentally cleared based on approximately a 15% design, an expanded "environmental footprint" could provide the selected design/build firm(s) some flexibility in the design and construction of the Project.

### 5. Community Engagement

The City encourages a thoughtful, timely and transparent public participation process with communities affected by and/or with interest in the project to ensure issues are documented, addressed and reasonable mitigation measures are identified and incorporated into the Project. The formation of Community Working Groups have proven to be a successful means of information sharing and working through issues in a short timeframe for arriving at a preferred alternative.

### 6. Staff Engagement

- a. In moving forward with the concurrent development of the environmental documents for both the SJ-MCD and SF-SJ sections of the Project, the Authority should continue to consult with City staff throughout the development of the environmental studies to obtain information on existing City guidelines, policies, goals and priorities, as well as conditions and current planning efforts, with a particular focus on the topics of aesthetics, cumulative impacts, construction impacts, noise and vibration, regional growth, safety and security, historic resources, land use, parks, trails, utilities, floodplains, transportation and energy.
- b. There are several private development projects and public improvements along the entire length of the corridor that are currently under construction or at some level of active discussion. The Authority is urged to engage City staff and gain a full understanding of the scope and nature of these developments and their relationship to the project.
- c. The City needs to understand the details of the planned mitigations and participate in their evaluation to ensure mitigation measures reduce impacts to the maximum feasible extent on residents. The City welcomes future discussion on this item.
- d. In the event an impact is identified as significant and unavoidable, the City would like to discuss with the Authority the criteria for determining how proposed mitigations get vetted, tested, and/or evaluated to come to a conclusion that impacts could not be mitigated. As noted above, the City would welcome participation or discussion on the evaluation of significant unavoidable impacts within the City's jurisdiction prior to making a final determination regarding environmental conclusions. It is the City's

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Submission L011 (Freitas, Ortbal, City of San Jose Department of  
Transportation, July 20, 2016) - Continued


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Mr. Mark A. McLoughlin, California High-Speed Rail Authority  
Subject: Scoping Comments on the San Francisco to San José Section  
July 20, 2016  
Page 5 of 5

position to seek the application of all feasible mitigation possible to further the quality of life for our residents and meet City regulations.

It is our understanding that the Draft EIR/EIS will be issued for review in early 2017. To this end, the City of San José looks forward to working cooperatively with the Authority as it plans and constructs of the Silicon Valley to Central Valley segment of the Project and the ultimate completion of the Phase 1 Project between San Francisco and Los Angeles. Thank you for your work, partnership and consideration of these comments.

Sincerely,



Jim Ortbal  
Director of Transportation



Harry Freitas, Director  
Department of Planning Building  
and Code Enforcement

Attachment

c: Dave Sykes, San José Assistant City Manager  
Barry Ng, San José Director of Public Works  
Ben Tripousis, Northern Regional Director, California High Speed Rail Authority



## Submission L011 (Freitas, Ortbal, City of San Jose Department of Transportation, July 20, 2016) - Continued

ATTACHMENT



*Office of the City Manager*

April 14, 2016

Dan Richard, Chair  
California High-Speed Rail Authority  
770 L Street, Suite 620 MS-1  
Sacramento, CA 95814

**RE: California High-Speed Rail Authority Draft 2016 Business Plan**

Dear Chair Richard:

The City of San José supports the California High-Speed Rail Authority's (Authority) effort to plan and build a high speed rail system that connects the State's major population and economic centers and helps meet long term transportation needs in a more environmentally sustainable way. Furthermore, the City of San José supports the Authority's phased implementation strategy in its Draft 2016 Business Plan to connect San José and Silicon Valley to the Central Valley ("Valley to Valley") by 2025 and looks forward to working with the Authority, other transportation partners, and our local communities to advance this project in mutually beneficial ways.

The letter focuses on three key areas:

1. San José's support for the "Valley to Valley" phase with full completion of Phase I by 2029
2. Priorities for project investment, including the significance of the Diridon Transportation Center to the City, Region, and State, and statewide mobility
3. Importance of transparency and collaboration in working with the San José community; and the need to define current project assumptions and elements such that both technical and community reviewers garner a full understanding of the project alternatives and details, such that the City, the Authority, and the community arrive at beneficial project approaches throughout San José.

**1) San José Supports the "Valley to Valley" Phase and Full Completion of Phase I by 2029**

The Authority's new focus on the "Valley to Valley" segment of the project will accelerate the connection of California's major economic and population centers by demonstrating functional high speed rail service that generates operating revenue. The City supports completing the "Valley to Valley" segment as a first operational phase with completion of the full Phase 1 system by 2029 (San Francisco to Anaheim). The relatively lower construction cost of this segment compared to others in the State makes it clear that building the first segment to San José is the best option to achieve successful service as soon as possible for California.

## Submission L011 (Freitas, Ortbal, City of San Jose Department of Transportation, July 20, 2016) - Continued

### California High-Speed Rail Authority Draft 2016 Business Plan City of San Jose Comments

We recognize that much work remains to determine how this first operational segment will function seamlessly with other rail services in the corridor and through the Diridon Transportation Center, particularly a modernized Caltrain system, expanded ACE service, and Capitol Corridor/Amtrak lines. For example, the draft Business Plan represents a significant departure from the service model studied to date by Caltrain and the Authority. Investments in passing tracks, grade separations, at-grade crossing enhancements, level boarding, extended platforms, and other improvements will be important to make for reliable, frequent and clear, easy intermodal connections. We appreciate the work ahead to advance plans for greater levels and increased quality of service by the many operators that run to and through San José. We thank the Authority in advance for working closely and collaboratively with other rail providers and stakeholders.

#### **2) Priorities for Project Investment, including the Diridon Transportation Center**

Among future California High-Speed Rail Stations, San José's Diridon Transportation Center will offer unrivaled rail and transit services, enabling efficient connections to the region, state and nation. Diridon Station is a historic structure and already a major transit hub with Amtrak, Altamont Commuter Express (ACE), Caltrain, and Valley Transportation Authority (VTA) light rail and bus services. With the addition of Bay Area Rapid Transit (BART) and High Speed Rail service – both anticipated in 2025 – and an expanded Caltrain, ACE and Capitol Corridor service, the Diridon Transportation Center will become one of the busiest intermodal stations in North America. In addition, we have worked with our regional partners to explore an automated transit connection from Diridon to Mineta San José International Airport; the City, the High-Speed Rail Authority and VTA should collaboratively assess the feasibility of this connection further with an eye towards a connection in 2025.

The Diridon Transportation Center is about more than just great connections – it is in an already thriving community and is beginning to catalyze significant new development. With support in the form of a planning grant from the Metropolitan Transportation Commission (MTC), the City of San José recently developed and adopted the Diridon Station Area Plan. The plan and associated environmental clearance paves the way for a broad mix of transit-supportive, high intensity land uses in and around the Station Area. The City of San José, VTA, Caltrain, and the Authority are currently working together under the guidance of the Diridon Joint Policy Advisory Board to advance the implementation of the expanded Station, as well as facilitating private development in the area.

The Diridon Transportation Center is at a strategic location in the statewide transportation system and economy – it must evolve into a world-class intermodal hub reflecting that fact. The Center must function superbly for the people who use it, whether they are traveling through San José and connecting to other transportation services, live in the San José/Silicon Valley region and use Diridon to access Bay Area transit, or live/work in Downtown San José and walk to and through the station area. We have greatly valued the interest and investment that the Authority has demonstrated to date in Diridon, particularly through recent partnerships and agreements. We request the new Business Plan be revised from the \$50 million represented in the Capital Cost Basis of Estimate Report to reflect the Authority's commitment to invest and pursue adequate resources for the Diridon Transportation Center, which we expect to be comparable to the funding and investment needs of the other major stations on the high speed rail system – namely the new Transbay Terminal in San Francisco and Union Station in Los Angeles. Our collective investment in the Diridon Transportation Center – from High-Speed Rail, BART, Caltrain, private development, public funding, and more – will likely range between \$1 billion and \$2 billion. Given the importance of Diridon to the future of statewide travel, we must continue to jointly pursue an excellent customer



## Submission L011 (Freitas, Ortbal, City of San Jose Department of Transportation, July 20, 2016) - Continued

### California High-Speed Rail Authority Draft 2016 Business Plan City of San Jose Comments

and transit experience in and around this facility and an amazing place for community members and travelers alike. An initial step that must be confronted is thoughtfully accommodating parking needs for transit riders and impacts during Station construction; we look to the Authority to collaborate with the City and Diridon-area partners to cooperatively address those needs in the near term.

Equally as important is the fact that the High-Speed Rail project will cross the full length of the City of San José, more than 20 miles, representing the largest length of track in any City on the “Valley to Valley” segment. The previous planning and environmental work, and the new Business Plan and associated costing assumptions, identify a mix of alignments and elements along the corridor. It is essential that the design and construction of this project are compatible and acceptable to the City of San José and the community. During the last phase of planning and environmental work, the City, the Authority and the community worked collaboratively to develop Visual Design Guidelines for the project that would set the context for development of the project, and how it would integrate and fit within the neighborhoods along the corridor. The City of San José expects the Authority to adhere to and build off that work to ensure that the project design is of high quality, minimizes impacts (visual, noise, and others), and integrates with neighborhoods in a way that the project is viewed as an asset to the maximum extent possible, as further discussed below. The project must enhance – rather than detract from – safety and community connectivity, with particular attention to the ability to comfortably walk and bicycle across the corridor and to Diridon Transportation Center.

### **3) Importance of Transparency and Collaboration in Working with the Community to Define Project Assumptions and Elements and to Arrive at Beneficial Alternatives**

While the City welcomes the move to bring high-speed rail service to San José by 2025, the project development process must be sensitive to the City’s neighborhoods, residents and businesses and reflect the unique character of the City. According to Authority staff and consultant statements at the initial Technical Working Group meeting, a number of alignments and alternatives will continue through the planning and environmental process, but no decisions have been made to date.

With that understanding, we note that the draft Business Plan and particularly the Capital Cost Basis of Estimate Report include several departures from previous plans discussed with City staff and the community. The City’s support for the general direction of the draft 2016 Business Plan should not be interpreted as support for specific changes. Major changes include assumptions of an aerial (rather than at-grade) alignment along most of Monterey Road and at-grade (rather than aerial or underground) alignments through Downtown, at Diridon Transportation Center, and through neighborhoods like College Park, Greater Gardner and North Willow Glen. In an effort to advance the vetting process and to create clarity and understanding of the project and Draft Business Plan assumptions, more specific questions and comments about the Estimate Report are attached.

We understand that the Authority has great interest in advancing an at-grade alternative through Downtown and North Willow Glen in the planning and environmental process in an effort to minimize the potential impact of an aerial alignment. The City is comfortable exploring that alternative with the express understanding that the project be planned and constructed in such a way as to ensure safety and compatibility with neighborhoods and community facilities (for example, Fuller Park). However, the City has serious concerns about a potential aerial alignment in the Monterey Corridor. The Authority must find a way to come to agreement with the Union Pacific Railroad to utilize the rail corridor more effectively and avoid an aerial alignment. Questions remain regarding other grade separations, crossings, and alignment choices, as well as whether existing rail bridges can be reused and shared with high-speed trains.

## Submission L011 (Freitas, Ortbal, City of San Jose Department of Transportation, July 20, 2016) - Continued


California High-Speed Rail Authority Draft 2016 Business Plan  
City of San Jose Comments

Alignment and infrastructure decisions must be made by way of an open and transparent process addressing the project's impacts on the community, with particular sensitivity to impacts on communities of concern – areas with high concentrations of low-income, minority, elderly, or otherwise disadvantaged people. The City requests that any property acquisition or easement needs will be surfaced early and transparently in the planning process, so that community members, elected officials, staff and – most importantly – affected property owners and/or tenants have a clear understanding of the project, its potential impacts, and proposals to mitigate or compensate them for that impact. We also encourage the Authority to find effective alternative ways to communicate with property owners and/or tenants who might be affected by the project. These communication efforts should include language capacity that meets the need of each of these communities. We request that – as was done with the Visual Design Guidelines – visualization simulations continue to be used through during the planning as an effective tool for engagement and project understanding.

The City is aware that the Authority is convening technical and community working groups; it supports that decision and encourages the Authority to make the community working groups publicly accessible with robust information available online in various languages about the project, comments received, and cataloging decisions previously made and/or upcoming. Initially as the working groups convene, it will be critical that the Authority transparently surface all the assumptions and alternatives, and specifically describe and explain the conceptual design assumptions of the San José alignment in the Capital Cost Basis of Estimate Report. In the future, the City anticipates that the Authority will proactively plan with City staff and community members, rather than surface previously unstudied assumptions in official documents. The Authority needs to work with us to establish appropriate processes for City review of project details and decision-making before key decisions are finalized. The opportunity to work closely with the Authority throughout the process is essential to the City, the community, and the effective delivery of the project.

The City of San José looks forward to working cooperatively with the Authority as it implements the Silicon Valley to Central Valley segment of the Project and the ultimate completion of the Phase I Project between San Francisco and Los Angeles. Please provide a response to this letter and direct questions to Jim Ortbal, City of San Jose Director of Transportation. Thank you for your work, partnership and consideration of these comments.

Sincerely,

  
Norberto Dueñas  
City Manager, City of San José

cc: Mayor Sam Liccardo and the San José City Council  
Jeff Morales, CEO, California High Speed Rail Authority  
Ben Tripousis, Northern California Regional Director, CHSRA  
Jim Ortbal, City of San José, Director of Transportation  
San Jose Area Community Working Group Members



## Submission L011 (Freitas, Ortbal, City of San Jose Department of Transportation, July 20, 2016) - Continued

California High-Speed Rail Authority Draft 2016 Business Plan  
City of San Jose Comments

### Supplemental Questions and Comments: California High-Speed Rail Authority Draft 2016 Business Plan

The City of San José appreciates the time taken by California High-Speed Rail Authority staff to describe the highlights of the Draft 2016 Business Plan and its implications for San José. We welcome further engagement with Authority staff and consultants to ensure greater understanding of the project and its alternatives to help maximize the opportunity presented by high-speed rail and to minimize impacts on the City of San José, its neighborhoods, residents and businesses. The Supplemental Questions and Comments follow:

- City staff understands and welcomes that Community Working Groups (CWGs) will be established to help the City and its residents work with the Authority. Staff appreciates that the Authority has initiated these before the comment deadline for the Draft Business Plan (4/18) and that the meetings will be open to the public. We will also look for more advance notice for CWG meetings in the future and continue to seek robust participation by residents representing impacted parts of the City.
- The way that the Capital Cost Basis for Estimate Report (technical appendix to the Draft Business Plan) presents assumptions regarding the alignment and type of structure (aerial, at-grade, or below ground) makes those assumptions appear to have already been decided. City staff understands from Authority staff that this is not the case; rather, the cost estimates are a starting point for the Draft 2016 Business Plan, that comments are welcome on the draft, and that any decisions regarding the project alignment will be made through other, transparent public processes over the coming years.

In the spirit of transparency, City staff documents its initial concerns with assumptions detailed in the Capital Cost Basis for Estimate Report. These include the following:

- That the “aerial approach to Diridon station [has] been now removed” (p. 29); staff understands that aerial, at-grade and tunnel approaches at and near Diridon Station will all continue to be evaluated through public planning and environmental processes. It is not that the City is opposed to removing the “aerial approach”, we think it needs to be done in context and with clear understanding of the alternative and how it will be acceptable to the San José community.
- “At-grade use of Caltrain corridor to just past the San José station with alignment adjustments including curve straightening to achieve operating speed up to 110 mph” and “Between Diridon to south of Tamien in this section, assumes construction of a third at-grade track”; we have two comments:
  1. The alternatives presented in the draft Business Plan represent a significant departure from the blended service model studied to date by Caltrain and the Authority. At this point, we do not collectively understand how HSR, Caltrain and other rail providers (including freight, Amtrak/Capitol Corridor, and Altamont Commuter Express (ACE)) will operate under the proposed plan. Investments in passing tracks, grade separations, level boarding, extended platforms, and other improvements will be needed to make for reliable, frequent and therefore useful service, and it is unclear whether the funding allocated for those purposes will be sufficient.

## Submission L011 (Freitas, Ortbal, City of San Jose Department of Transportation, July 20, 2016) - Continued

California High-Speed Rail Authority Draft 2016 Business Plan  
City of San Jose Comments

2. City staff does not yet understand the potential implications on San José of the “curve straightening” referenced or how a three-track at-grade alignment would impact neighborhoods along the corridor.
  - “A \$50M allowance ... for high platform upgrades to Diridon”; The City of San José has greatly valued the interest and investment that High-Speed Rail Authority has demonstrated to date in Diridon, particularly through recent partnerships and agreements. However, given the importance of Diridon Transportation Center to the future of statewide travel, we must continue to jointly pursue an excellent customer and transit experience in and around this facility and an amazing place for community members and travelers alike. We therefore request the revised Business Plan reflect the Authority’s commitment to pursue adequate resources for Diridon Transportation Center, which we expect to be comparable to the funding needs and investments of the other major stations in the high speed rail system – namely the new Transbay Terminal in San Francisco and Union Station in Los Angeles. The \$50M allowance cited will not suffice.
  - That the cost estimate “Includes dedicated high-speed rail viaduct along Monterey Road from south of Tamien to Gilroy, ... a 60-foot elevated viaduct to cross major roadways including: Capital Expressway, Blossom Hill Road, St. Rte. 85, Bernal Hwy. and Bailey Ave,” and “UPRR realignment at Communication Hill”. These alternatives have yet to be studied and understood by the City and impacted neighborhoods; the initial reaction is the potential for an elevated viaduct along Monterey Road is highly concerning, both because of impacts to adjacent neighborhoods and the safety and connectivity implications of building an aerial structure and leaving existing Caltrain tracks at-grade without separations previously planned at Skyway, Branham, and Chynoweth.
- Please clarify where the HSR project is in the environmental process and particularly whether the scoping phase of that process will be revisited given additional alternatives introduced.
- The City is cataloguing existing places where people and/or roads cross the potential alignments and possible changes to those crossings. We look forward to reviewing these and discussing specific challenges and opportunities to provide safety, community connectivity, greater development potential, and high quality rail service at and through these locations. The City is particularly interested in identifying places where HSR and City objectives align to improve existing facilities – for example, the San Carlos Street Bridge over the rail tracks, which will likely need to be rebuilt to allow the HSR project to proceed and will improve the safety and utility of that structure for the surrounding neighborhoods. The City also prioritizes safe and ample connections for people on foot and bicycle across the corridor.
- Access planning to and from Diridon Transportation Center will be a collaborative effort among the City, VTA, Caltrain, the Authority, and other transit providers and stakeholders. We look forward to this undertaking to maximize access to Diridon Transportation Center for people walking, bicycling, taking transit or shuttles, being dropped off, or parking.
- Construction impacts have not yet been discussed, but will need to be robustly addressed during the initial planning, environmental and design processes to ensure community safety and quality of life as the project is built.

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**Submission L012 (Larry Patterson, City of San Mateo Public Works, June 9, 2016)**

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OFFICE OF THE CITY MANAGER



VIA E-MAIL ONLY

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[www.cityofsanmateo.org](http://www.cityofsanmateo.org)

June 9, 2016

Mark A. McLoughlin  
Director of Environmental Services  
ATTN: San Francisco to San Jose  
California High-Speed Rail Authority  
100 Paseo De San Antonio, Suite 206  
San Jose, CA 95113

Re: **San Francisco to San Jose Project Section  
City of San Mateo EIR/EIS Public Scoping Comments**

Dear Mr. McLoughlin:

On behalf of the City of San Mateo (City), I am writing to express the City's support for the San Francisco to San Jose project section and appreciation for ongoing coordination efforts.

As the project progresses, the City looks forward to working with the High Speed Rail Authority (HSRA) to identify and mitigate impacts within our community, and to integrate the project seamlessly into the surrounding environment.

**Aesthetics**

The City requests that HSRA consider aesthetics that are compatible with the local community and work with the City on any elements that affect the appearance of the community including, but not limited to, fencing, barriers, and structures.

**Safety**

The City greatly supports the HSRA Safety Program's proposed measures to improve traffic, safety, and noise – grade separations at feasible locations, quad gates at remaining at-grade crossings, and intrusion barriers along the length of the corridor to mitigate noise impacts and enhance our community's quality of life.

**Noise**

As additional trains are planned for operation through the rail corridor, the City requests that options to mitigate train horn sounds be included, such as the installation of wayside horns that can be utilized by all users operating on the railroad tracks.



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Submission L012 (Larry Patterson, City of San Mateo Public Works, June 9, 2016) - Continued

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Mr. Mark A. McLoughlin  
June 9, 2016

City of San Mateo EIR/EIS Public Scoping Comments  
Page 2

Additionally, the City has been advancing the 25th Avenue Grade Separation project for several years and is nearing final design completion. This project has been funded up through the construction contract advertise and award activities. We are working with the Peninsula Corridor Joint Powers Board (PCJPB) on this project and plan to begin construction Spring 2017. The Grade Separation project is expected to be completed prior to the Electrification project thus saving up to an estimated \$12 million. Therefore, the City believes that this project's improvements shall be considered an existing condition within the HSR environmental document.

It is important to note that the City's 25th Avenue Grade Separation project does have independent utility from the HSR project. Although the tracks will be realigned as part of the City's grade separation project and allow for future HSR passing tracks, our design efforts have identified that the grade separation improvements can be constructed in this manner without the need for a temporary shoo-fly rail. As such, the construction cost is significantly reduced as are the associated temporary impacts, resulting in the preferred alternative for this grade separation project. Additionally, the track realignment allows for new roadways under the tracks to complete the 28th and 31st Avenues street connections.

The City of San Mateo appreciates the partnership of the HSRA and commitment to be a funding partner for our 25th Avenue Grade Separation project. If you have any questions, please feel free to contact our Public Works Director, Brad B. Underwood, at (650) 522-7303 or at [bunderwood@cityofsanmateo.org](mailto:bunderwood@cityofsanmateo.org).

Sincerely,



Larry A. Patterson  
City Manager  
City of San Mateo

c: Brad B. Underwood, Director of Public Works  
Chron/File

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Submission L013 (John Davidson, City of Santa Clara, June 24, 2016)

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**City of  
Santa Clara**  
The Center of What's Possible

Planning Division

June 24, 2016

California High-Speed Rail Authority  
San Francisco to San Jose Project Section  
Attn: Mark A. McLoughlin  
100 Paseo de San Antonio, Suite 206  
San Jose, CA 95113

Re: Comments on the Notice of Preparation of the San Francisco to San Jose Project  
Section EIR/EIS of the California High-Speed Rail System

Dear Mr. McLoughlin:

Thank you for the opportunity to comment on the Notice of Preparation for the San Francisco to San Jose Project Section EIR/EIS of the California High-Speed Rail System. The Planning Division and Traffic Engineering Division have the following comments:

- ❖ Please be sure to analyze vibration impacts from both construction and operation of High Speed Rail, especially regarding known and potential historic and archaeological resources in the area of the Santa Clara Station, such as the Historic Railroad Depot, and structures on the campus of Santa Clara University.
- ❖ Describe the noise impacts from both construction of the High Speed Rail Improvements and from the operations of the High Speed Rail line itself.
- ❖ Describe all environmental impacts from expansion of the train corridor right-of-way, especially impacts to biological resources and to any land uses or utilities that conflict with the proposed right of way alignment.
- ❖ The City of Santa Clara originally commented on the preliminary alternatives analysis in 2010, and is attaching those comments as a part of this submittal.

Please consider our comments when preparing the Environmental Impact Report (EIR) for the San Francisco to San Jose segment of High Speed Rail. Please provide the City of Santa Clara a Notice of Availability and the EIR for review. We look forward to working with you in the future.

Sincerely,

A handwritten signature in blue ink that reads "John Davidson".

John Davidson  
Principal Planner, City of Santa Clara

*Attachment: City of Santa Clara Comments on the Preliminary Alternatives Analysis in 2010*

1500 Warburton Avenue • Santa Clara, CA 95050 • Phone (408) 615-2450 • Fax (408) 247-9857 • [www.santaclaraca.gov](http://www.santaclaraca.gov)

Submission L013 (John Davidson, City of Santa Clara, June 24, 2016) -  
Continued

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Planning Division

July 21, 2010

Robert Doty  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

RE: *San Francisco to San Jose Section Preliminary Alternatives Analysis Report  
Comments*

Dear Mr. Doty,

Thank you for including the City of Santa Clara in the review of the Preliminary Alternatives Analysis Report for the San Francisco to San Jose Section. The Planning and Inspection Department and the Public Works Department have reviewed the document and have the following comments:

**Planning and Inspection Department**

1. Of the four alternative alignments presented in the Preliminary Alternatives Analysis Report for the San Francisco to San Jose section, the City's preferred alternative is the Covered Trench/Tunnel alternative for Subsection #8 and Subsection #9(a). We feel that this alternative would have the least environmental impacts (noise, vibration, aesthetics etc.) as well as, fewer impacts on the land uses adjacent to the proposed High Speed Train alignment.
2. During the June 28, 2010 meeting we were informed that the approach to San Jose Diridon Station shall be elevated; therefore, we would prefer the following options be evaluated in the alternatives analysis report and in the environmental documents for the area east of Scott Boulevard within the City of San Jose to follow-
  - Consider locating the High Speed Rail tracks towards the north side of the alignment, towards the industrial uses, rather than locating the rail tracks adjoining residentially zoned properties.
  - Consider developing a hybrid/stacked option with Caltrain trains running below and High Speed Rail trails running on top such that it would reduce the footprint and right-of-way requirements, hence minimizing the potential impacts to the adjoining residential/industrial/commercial properties.

**Public Works Department**

1. The City's Police Facility Building is about 12 years old and is located at the northeast corner of El Camino Real and Benton Street, adjacent to the PCJPB

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## Submission L013 (John Davidson, City of Santa Clara, June 24, 2016) - Continued

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Robert Doty  
California High-Speed Rail Authority  
Page 2 of 4

right-of-way. The construction of the City's Emergency Dispatch Center is scheduled to be completed in August this year as an addition to the Police Facility Building. The City is concerned with any potential impacts the construction of the High-Speed Train Project and ongoing operation would have on the 24/7 operations, including sensitive equipment operations, of both the City's Police Facility and Emergency Dispatch Center.

2. Following are the possible utility conflicts that you need to be aware of through the City:

### **"At Grade"**

It was assumed that the "At Grade" option would have no conflicts with existing underground and overhead City utilities.

### **"Elevated"**

It was assumed that the "Elevated" option would be designed such that it would avoid conflicts with City underground utilities.

Following are possible City overhead utility conflicts:

#### Electric

- 12 KV near Station 2503+00 (at Calabazas Creek)
- Two 12 KVs near Station 2517+00
- Two 12 KVs and one 60 KV near Station 2557+00 (at San Tomas Aquino Creek)
- 12 KV near Station 2588+00 (west side of Scott Blvd.)
- Two 12 KVs near Station 2591+00 (east side of Scott Blvd.)
- 12 KV near Station 2601+00
- 12 KV near Station 2627+00
- 12 KV near Station 2645+00
- 60 KV near Station 2653+00

### **"Below Grade"**

It is assumed that the "Below Grade" option would be designed such that it would avoid conflict with City ongoing utilities.

Following are possible City underground utility conflicts:

#### Storm Drain

- Drainage Ditch running parallel to the south railroad tracks from Station 2360+00 to Station 2502+00
- 36" near Station 2531+00
- Bower Underpass Storm Drain Lift Station and associated Collection System near Station 2533+00
- 54"x 66" Culvert near Station 2539+00



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## Submission L013 (John Davidson, City of Santa Clara, June 24, 2016) - Continued

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Robert Doty  
California High-Speed Rail Authority  
Page 3 of 4

- 33" near Station 2562+00 and running parallel to the railroad tracks on the north side from Station 2558+00 to Station 2562+00 and on the south side from Station 2562+00 to 2572+00
- 15" running parallel to the south railroad tracks from Station 2588+00 to Station 2591+00
- 24" near Station 2602+00
- 48" and 27" near Station 2613+00
- 21", 20", 10", and Lafayette Street Underpass Storm Drain Pump Station near Station 2629+00
- 60" and 42" near Station 2648+00
- 30" near Station 2662+00

### Sanitary Sewer

Please note that steel casing diameter is approximately twice the pipe diameter listed below:

- 24" near Station 2504+00 (east side of Calabazas Creek)
- 10" near Station 2517+00
- 27" near Station 2531+00 (west side of Bowers Avenue)
- 12" near Station 2543+00
- 27" near Station 2556+00 (west side of San Tomas Aquino Creek. Project is out to bid. Bids open on June 30, 2010)
- 15" near Station 2558+00 (west side of San Tomas Aquino Creek)
- 18" near Station 2569+00 (west side of San Tomas Expressway)
- 12" near Station 2572+00 (east side of San Tomas Expressway)
- 10" near Station 2602+00
- 12" near Station 2613+00
- 24" near Station 2631+00
- 8" near Station 2645+00
- 21"/16" near Station 2648+00
- 18" near Station 2662+00

### Water

Please note that the steel casing diameter is approximately twice the pipe diameter listed below:

- 12" near Station 2358+00 (east side of Lawrence Expressway)
- 10" near Station 2533+00 (in Bowers Avenue)
- 24" near Station 2560+00 (east side of San Tomas Aquino Creek)
- 12" near Station 2588+00
- 8" near Station 2631+00
- 8" near Station 2643+00
- 24" serving the 4.2 million gallon storage tank adjacent to the railroad tracks near Station 2650+00



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Submission L013 (John Davidson, City of Santa Clara, June 24, 2016) -  
Continued

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Robert Doty  
California High-Speed Rail Authority  
Page 4 of 4

- 12" near Station 2662+00

Recycled Water

Please note that the steel casing diameter is approximately twice the pipe diameter listed below:

- 24" near Station 2642+00

Underground Electric


- Duct Banks near Station 2533+00 (on each side of Bowers Avenue)
- Duct Banks near Station 2589+00 (in each side of Scott Blvd. Bridge)
- Duct Bank near Station 2653+00
- Duct Bank near Station 2662+00


Please show all the possible utility conflicts described above in Appendix D – Utility Table.

3. On page 3, Appendix D – Utilities Table, Subsection #9, states "Water (Utility); 24" (Size and Type) – Cal Water (Owner)". Please change the owner of this Water Utility from Cal Water to City of Santa Clara.

Again, thank you for including the City of Santa Clara in the review of the Preliminary Alternatives Analysis Report for the San Francisco to San Jose Section. We reserve the option to provide additional comments through the public review process for this project. We look forward to working with you in the future.

Sincerely,

  
Kevin Riley  
Director of Planning and Inspection

  
Rajeev Batra  
Director of Public Works/City Engineer

Cc: Jennifer Sparacino, City Manager  
Gustavo Gomez, Principal Engineer  
File

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Submission L014 (Marian Lee, City of South San Francisco, June 8, 2016)

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OFFICE OF THE CITY MANAGER

CITY COUNCIL 2016

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PRADEEP GUPTA, PH.D., VICE MAYOR  
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KARYL MATSUMOTO, COUNCILMEMBER  
LIZA NORMANDY, COUNCILMEMBER

MIKE FUTRELL, CITY MANAGER

June 8, 2016

Mark A. McLoughlin  
Director of Environmental Services  
ATTN: San Francisco to San Jose California High-Speed Rail Authority  
100 Paseo De San Antonio, Suite 206  
San Jose, CA 95113  
Email: [san.francisco\\_san.jose@hsr.ca.gov](mailto:san.francisco_san.jose@hsr.ca.gov)

Dear Mr. McLoughlin,

This letter provides scoping comments in response to the NOP and NOI issued by the CHSRA and the FRA for the San Francisco to San Jose California High Speed Rail EIR/EIS. South San Francisco (SSF) is one of the cities located in San Mateo County within high-speed rail's San Jose to San Francisco segment.

The following are our scoping comments:

1. The NOP/NOI states that the blended system project will potentially include grade separations. Analyzing the need for grade separations as part of the blended system project will be important since train traffic will increase from 10-12 trains per peak hour today to 20 with high speed rail trains. With the doubling of trains, impacts to auto traffic on at-grade crossings and the local street network will be significant. In South San Francisco, there is one at-grade crossing at South Linden Avenue.
2. We understand that SSF is not a high-speed rail station in the blended system. However, high-speed rail customers could park at the SSF Caltrain Station or other Caltrain stations and ride Caltrain to access the high-speed rail system. The local ridership and station access/egress impacts induced by high-speed rail service should be analyzed at the Caltrain stations including the SSF Caltrain Station.
3. SSF in partnership with Caltrain is working on a fully funded station improvement project that is scheduled to start construction in 2017. The new station is being designed to not only enhance the station but also support the Caltrain electrification project. It is our understanding that the blended project will not have any construction impacts to the City of SSF. If there are any changes to the project scope resulting in construction impacts to SSF, all impacts should be clearly identified and analyzed.

City Hall: 400 Grand Avenue • South San Francisco, CA 94080 • P.O. Box 711 • South San Francisco, CA 94083  
Phone: 650.877.8500 • Fax: 650.829.6609

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Submission L014 (Marian Lee, City of South San Francisco, June 8, 2016) -  
Continued

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4. The Caltrain electrification project will increase commuter service. The impact analysis should evaluate how high-speed rail service will impact commuter service to the City of SSF. Given that the high-speed rail maintenance facility is being considered in the City of Brisbane (located next to the City of SSF), the analysis should also assess if high-speed rail train activity associated with the maintenance facility will impact commuter service at the SSF Caltrain station.
5. In the City of SSF, there is freight traffic and active freight tracks with spurs serving local businesses. There should be an analysis of how high-speed rail service will impact freight traffic and if that creates any spill over impacts to Caltrain commuter service in the City of SSF.

Thank you for allowing us to comment on the environmental scope of the HSR San Jose to San Francisco segment. We look forward to reviewing your response and analysis. If you have any questions or need more information, please contact me at [marian.lee@ssf.net](mailto:marian.lee@ssf.net), 650-829-6619.

Sincerely,



Marian Lee, AICP  
Assistant City Manager  
City of South San Francisco

Copy: City Council of South San Francisco  
Mike Futrell, City Manager  
Brian McMinn, Director of Public Works  
Alex Greenwood, Director of Economic and Community Development

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Submission L015 (Dan Leavitt, San Joaquin Regional Rail Commission, July 20, 2016)

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**Response Requested :**

**Affiliation Type :** Local Agency

**Interest As :** Local Agency

**Submission Method :** Project Email

**First Name :** Dan

**Last Name :** Leavitt

**Business/Organization :** San Joaquin Regional Rail Commission

**Email :** dan@acerail.com

**Stakeholder** Hi Mark,

**Comments/Issues :**

Please see our comment letter attached.

I hope you are doing well!

Best regards,

Dan Leavitt - Manager of Regional Initiatives - San Joaquin  
Regional Rail Commission - Altamont Corridor Express - San  
Joaquin Joint Powers Authority - (209) 944-6266 - (530) 400-9475  
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www.acerail.com<http://www.acerail.com>  
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## Submission L015 (Dan Leavitt, San Joaquin Regional Rail Commission, July 20, 2016)



SAN JOAQUIN  
REGIONAL  
RAIL COMMISSION

Commissioner, **Bob Johnson**, Chair, City of Lodi  
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Commissioner, **Scott Haggerty**, Alameda County  
Commissioner, **Tom Blalock**, Bay Area Rapid Transit (BART)

Executive Director, Stacey Mortensen

July 20, 2016

Mark A. McLoughlin  
Attn: San Francisco to San Jose Project Section  
California High-Speed Rail Authority  
100 Paseo de San Antonio, Suite 206  
San Jose, CA 95113

Via email: [san.francisco\\_san.jose@hsr.ca.gov](mailto:san.francisco_san.jose@hsr.ca.gov)

RE: San Francisco to San Jose project section

Dear Mr. McLoughlin:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) and Notice of Intent (NOI) to initiate a project-level environmental impact report (EIR)/environmental impact statement (EIS) for the San Francisco to San Jose project section. The opportunity to connect San Jose to San Francisco with a high-speed, blended system with electrified Caltrain will enhance the region's economy while creating jobs and also benefiting the environment.

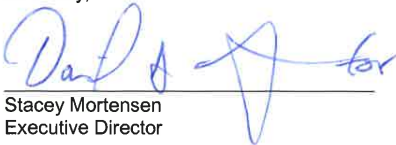
We appreciate the partnerships the California High-Speed Rail Authority (Authority) has sought with local and regional rail providers and the goal to provide a "take transit to transit" model for the future high-speed rail system. In order for this model to be effective, it is important to carefully consider system capacity issues both now and decades into the future for all of the associated transit systems.

The Altamont Corridor Express (ACE) currently operates 4 round trip trains between San Jose Diridon Station and Stockton. These trains currently lay over at the Tamien yard south of Diridon. We are currently conducting program-level environmental clearance for 10 daily round trips between the Central Valley and Diridon Station, which we anticipate to operate within ten (10) years. Not only will this require platform slots for the ACE trains to stop at the station itself, but also these trains will need additional layover space at the Tamien yard. Beyond our ten year improvement program, we expect the need for expanded ACE service to continue to grow and there will be a need for much greater ACE frequencies in the future and that ACE will be an important "feeder service" to high-speed rail.

Furthermore, with a project of the scope and impact that the construction of a statewide high-speed rail system entails, we suggest that the timeline under consideration in terms of looking at combined system capacity should be projected out to at least 2040 and be consistent with the Statewide Rail Planning/Network Integration work that is underway. This will best protect the future needs of the region and allow frequent local and regional rail service to support the high-speed rail system.

If you or any member of your staff would like to discuss any of these items further, please contact Corinne Winter, ACE outreach lead in Santa Clara County, at [corinne@winter.associates](mailto:corinne@winter.associates).

Sincerely,



Stacey Mortensen  
Executive Director



949 East Channel Street Stockton, CA 95202 (800) 411-RAIL (7245) [www.acerail.com](http://www.acerail.com)



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Submission L016 (Steven Monowitz, San Mateo County, June 10, 2016)

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**COUNTY OF SAN MATEO**  
**PLANNING AND BUILDING**

County Government Center  
455 County Center, 2nd Floor  
Redwood City, CA 94063  
650-363-4161 T  
650-363-4849 F  
[www.planning.smcgov.org](http://www.planning.smcgov.org)

June 10, 2016

Mark A. McLoughlin  
Director of Environmental Services  
California High Speed Rail Authority  
770 L Street, Suite 1160  
Sacramento, CA 95814

Dear Mr. McLoughlin:

Subject: Notice of Preparation of an Environmental Impact Report/Environmental Impact Statement for the California High Speed Rail System, San Francisco to San Jose Project Section, Blended System Project.

San Mateo County appreciates the opportunity to comment on the California High Speed Rail Authority's (CHSRA) Notice of Preparation (NOP) of an Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the California High Speed Rail System (CHSR), San Francisco, San Francisco to San Jose Project Section, Blended System Project (Project). The CHSRA is the lead under the California Environmental Quality Act for preparing the EIR and the Federal Railroad Administration is the lead under the National Environmental Policy Act for preparing the EIS.

The County commented on prior environmental documents related to the California High Speed Train project, which included more ambitious changes in the San Francisco to San Jose Project Section, including in San Mateo County. In a letter dated June 30, 2010, the County made comments very similar to the comments that follow. The County offers the following comments in response to the NOP that should be addressed in the EIR/EIS.

The proposed project alignment passes through the entire length of San Mateo County, including segments located in unincorporated San Bruno near San Francisco International Airport, and the unincorporated North Fair Oaks Neighborhood. In the area of County jurisdiction in unincorporated San Bruno adjacent to the San Francisco International Airport, several threatened and endangered species are listed in the California Natural Diversity Data Base as present or potentially present, including, but not limited to *Thamnophis sirtalis tetrataenia*, San Francisco garter snake; *Melospiza melodia pusillula*, Alameda Song Sparrow, *Lasiurus cinereus*, hoary bat; *Antrozous pallidus*, pallid bat; and California red-legged frog as well as some endangered or threatened plant species. The project should consult with resource agencies to identify the habitats and species present and the measures the Project needs to undertake to avoid or minimize effects and obtain any necessary take permits.



## Submission L016 (Steven Monowitz, San Mateo County, June 10, 2016) - Continued

Mark A. McLoughlin  
Director of Environmental Services  
California High Speed Rail Authority

- 2 -

June 10, 2016

The County's General Plan includes the North Fair Oaks Community Plan (Community Plan), adopted by the Board of Supervisors in 2011. The Community Plan identifies the lack of connectivity for pedestrian, bicycle, vehicular and other modes of travel across the existing Caltrain alignment as a key issue. In fact, there is currently only one crossing, at Fifth Avenue, in the 1.5-mile segment between Woodside Road in Redwood City and Fair Oaks Lane in Atherton unlike any other Peninsula neighborhood with residential uses on both sides of the tracks. The existing railroad right-of-way currently acts as a significant barrier within the North Fair Oaks Neighborhood.

The North Fair Oaks neighborhood is an identified Community of Concern<sup>1</sup> adjoining the project area. 2010 Census data revealed that approximately 86% of neighborhood residents were minorities, and about 41% were low income. Residents of this neighborhood experience increased rates of chronic health conditions compared to other areas of the County, such as asthma. Residents of the North Fair Oaks neighborhood will likely be negatively affected by the project compared to neighborhoods with greater financial resources. The CHSRA 2016 Business Plan states, in part that "Application of Cal Enviroscreen during the environmental analysis to identify and consider impacts to disadvantaged communities during the preparation of the environmental documents." The EIR/EIS should include a rigorous analysis of the impacts and any benefits of the project to this Community of Concern.

The Community Plan seeks, in part, to concentrate residential and job density around transit nodes and corridors to reduce reliance on single-occupancy vehicles for mobility. The existing Caltrain service passes through the neighborhood, negatively impacting surrounding residential, school, health care, and other uses while providing little direct benefit to the people living there. There is no Caltrain Station within the neighborhood and the nearest station in Atherton was closed to weekday riders some years ago. The rail corridor separates

<sup>1</sup> Communities of concern are defined in Plan Bay Area (the Region's Sustainable Communities Strategy) as those census tracts having concentrations 4 or more factors listed below, or that have concentrations of both low-income and minority populations.

*Table 1. Target Populations and Thresholds Used in Overlapping-Factor Analysis.*

Disadvantage Factor	% of Regional Population	Concentration Threshold
1. Minority Population	54%	70%
2. Low Income (<200% of Poverty) Population	23%	30%
3. Limited English Proficiency Population	9%	20%
4. Zero-Vehicle Households	9%	10%
5. Seniors 75 and Over	6%	10%
6. Population with a Disability	18%	25%
7. Single-Parent Families	14%	20%
8. Cost-burdened Renters	10%	15%

Source: 2005-09 American Community Survey and 2000 Census (#6)

## Submission L016 (Steven Monowitz, San Mateo County, June 10, 2016) - Continued

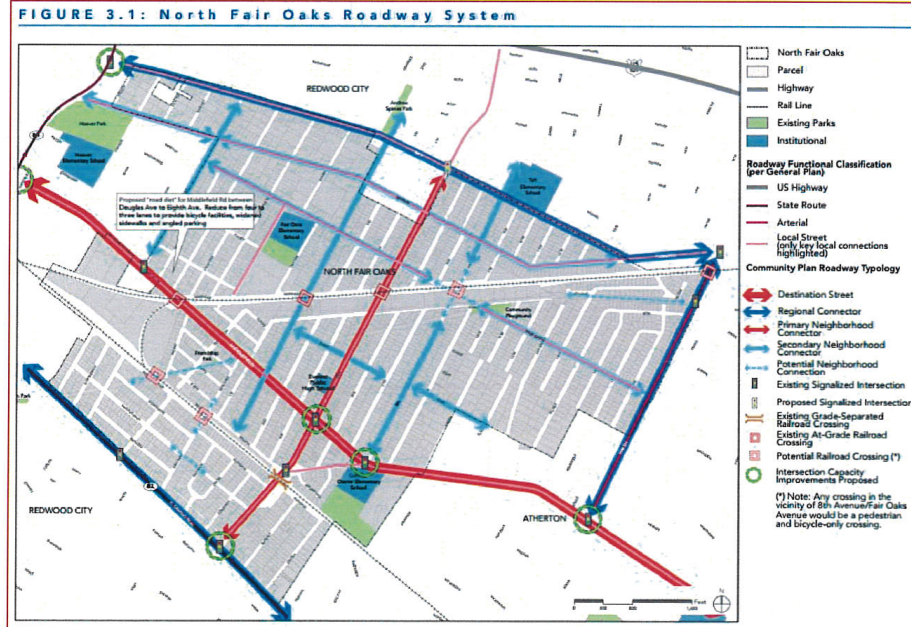
Mark A. McLoughlin  
Director of Environmental Services  
California High Speed Rail Authority

- 3 -

June 10, 2016

two otherwise interrelated areas of the neighborhood. The Community Plan envisions significant County investments in Middlefield Road and land use changes there to improve the street to create a neighborhood shopping street in the heart of the neighborhood. An additional at-grade crossing as called for in the Community Plan would enable the County to knit the disconnected parts of the neighborhood together and improve community access to transit.

We note that the 2016 CHSR Business plan includes the following objective: "Working with the California Public Utilities Commission on eliminating grade crossings to improve safety at numerous locations throughout the state." The County would like to ensure that the project minimizes to the full extent possible, negative impacts on North Fair Oaks, while affording the opportunity for improvements to the neighborhood where possible. The County strongly recommends that the Project not lessen connectivity for vehicles, pedestrians, bicycles and other modes of travel in North Fair Oaks. In fact, where feasible, the County would like to see connectivity across the rail right-of-way for vehicles, pedestrians, bicycles and other modes of travel in the North Fair Oaks area enhanced by the project. We strongly urge that the project incorporate another multi-modal crossing, in addition to the existing Fifth Avenue crossing. Two possible locations for this crossing are shown in Figure 3.1 below, one at Pacific Avenue and the other at Berkshire Avenue.





## Submission L016 (Steven Monowitz, San Mateo County, June 10, 2016) - Continued

Mark A. McLoughlin  
Director of Environmental Services  
California High Speed Rail Authority

- 4 -

June 10, 2016

In prior communication with the CHSRA, County staff identified the community's and the Board of Supervisor's strong preference for an open/covered trench or other below grade option for the portion of the project that traverses North Fair Oaks. Any decision's by CHSRA to pursue below-grade options in other more well-to-do communities, but not in the North Fair Oaks neighborhood must be framed in terms of social and environmental justice. The impact of the increased train traffic in this corridor undermines efforts by the County and its residents to protect and improve the quality of life and economic stability of the North Fair Oaks community.

We urge the CHSRA to continue to study below-grade options for this segment. If below-grade options will not be pursued, the CHSRA must address mitigation for the noise, vibration, visual and circulation impacts of the project to a degree commensurate with below-grade options. For example, the at-grade configuration will hamper opportunities to provide new connections across the tracks, which are a significant impediment to circulation in the North Fair Oaks community.

The North Fair Oaks Community Plan includes an initiative to create a multi-modal transportation station in the vicinity of the intersection of Middlefield Road and the SamTrans-owned Dumbarton Rail corridor. As part of the redesign of the right-of-way to accommodate High Speed Rail, we believe it is appropriate to consider adding a station between stations in Redwood City and Menlo Park. Adding a station in the vicinity of Dumbarton and Berkshire Avenues could improve local access to transit, given the lengthy stretch between Redwood City and Menlo Park stations, and the current and future population densities and high level of commercial activity in the area. We believe that the CHSRA, Caltrain, the City of Redwood City and the County should jointly explore the potential for an additional Caltrain station that would support the planned multi-modal station nearby on Middlefield Road.

Three potential locations for Passing Tracks were described at the NOP Public Meeting in San Mateo, including Middle Track 3 that was shown as extending from approximately Hayward Park Station to just south of California Avenue Station. This option would include adding track in the right-of-way that passes through North Fair Oaks. The EIR/EIS should discuss any impacts on North Fair Oaks, including any necessary right-of-way acquisition, additional noise and vibration from operations, as well as construction effects of the potential construction. The EIR/EIS should also discuss whether the additional track would facilitate or frustrate the implementation of the initiatives in the Community Plan.

The EIR/EIS should also evaluate how land acquisition for the CHSR project will impact facilities providing critical social and community services. Within the County of San Mateo, this includes the Fair Oaks Health Clinic in North Fair Oaks. Furthermore, the County is in the process of developing a master plan for 2700 Middlefield Road in North Fair Oaks. The intent is to develop a much-needed community center, affordable housing and possible wellness center. Due to the proximity of 2700 Middlefield Road to the tracks, the CHSR project could adversely impact the County's ability to redevelop the property. Overall, a

## Submission L016 (Steven Monowitz, San Mateo County, June 10, 2016) - Continued

Mark A. McLoughlin  
Director of Environmental Services  
California High Speed Rail Authority

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June 10, 2016

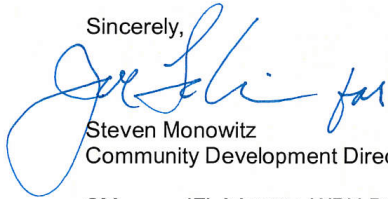
priority should be placed on ensuring that land acquisition does not impact existing or planned social and community services.

The California High-Speed Rail Authority (Authority) Community Benefits Agreement (CBA) is "designed to assist small businesses and job seekers in finding or obtaining construction contracts, jobs and training opportunities for residents who live in economically disadvantaged areas along the high-speed rail alignment. The CBA supports employment of individuals who reside in Disadvantaged Areas and those designated as Disadvantaged Workers, including veterans. It also helps remove potential barriers to Small Businesses (SB), Disadvantaged Business Enterprises (DBE), Disabled Veteran Business Enterprises (DVBE), Women-Owned Businesses and Microbusinesses that want to participate in building the high-speed rail system."<sup>2</sup> As part of the Project, the CHSRA should endeavor to forge an agreement with the County and the North Fair Oaks community to ensure that some of the impacts of the project on the community can be offset by employment and vendor participation in the project.

We request that the EIR/EIS describe in detail the potential construction related impacts in the Project areas within County jurisdiction. In particular, the EIR/EIS should describe Project noise impacts, temporary construction impacts on adjacent properties, and public rights-of-way. We also understand that a mid-Peninsula High Speed Rail station may still be under consideration with potential locations including Redwood City, Palo Alto and Mountain View. We note that Redwood City has a strong inter-modal connection with SamTrans that provides excellent linkages to bus service throughout the County.

Thank you again for the opportunity to review and comment on the California High Speed Rail System, San Francisco to San Jose Project Section, Blended System Project. Please contact me at 650/363-1861 or [smonowitz@smcgov.org](mailto:smonowitz@smcgov.org) should you have any questions.

Sincerely,



Steven Monowitz  
Community Development Director

SM:pac - JFLAA0325\_WPN.DOCX

<sup>2</sup> California High Speed Rail Authority Website



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Submission L017 (Douglas Kim, San Mateo County Transit District, June 6, 2016)

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June 6, 2016

Mark McLoughlin  
High Speed Rail Authority  
100 Paseo de San Antonio  
San Jose, California 95113

Dear Mr. McLoughlin:

Thank you for the opportunity to comment on the San Francisco to San Jose Section Notice of Preparation (NOP) and Notice of Intent (NOI) for the Environmental Impact Report (EIR) / Environmental Impact Statement (EIS).

SamTrans is currently studying short- and long-term transportation improvements in the Dumbarton Corridor as part of the Dumbarton Transportation Corridor Study. This effort includes the re-examination of commuter rail alternatives previously identified in the 2011 Dumbarton Rail Corridor Alternatives Study and subsequent Dumbarton Rail Corridor Project EIS / EIR, which was put on hold in 2014 due to a lack of project funding. Improvements in the Dumbarton Corridor are being revisited now after recent job growth in San Mateo and Santa Clara counties. Among a number of transit options, the commuter rail alternatives being studied are proposed to operate along the Dumbarton rail right-of-way and connect to the Caltrain mainline in Redwood City. Some commuter rail alternatives are proposed to interline with the Caltrain mainline, delivering passengers to both San Francisco and San Jose.

SamTrans would like to request that the High Speed Rail Authority consider the feasibility of interlining trains from a potential commuter rail service along the Dumbarton rail right-of-way onto the Caltrain mainline, accounting for both future Caltrain and High Speed Rail services. More specifically, please consider commuter rail alternatives being studied as part of the Dumbarton Transportation Corridor Study in the operational feasibility studies for the Blended service. SamTrans would be happy to coordinate with the High Speed Rail Authority in this regard. The Dumbarton Transportation Corridor Study will recommend preferred multi-modal transportation alternatives and the phasing of these alternatives in spring 2017.

Sincerely,

A handwritten signature in blue ink that reads "Douglas Kim".

Douglas Kim  
Director of Planning

**SAN MATEO COUNTY TRANSIT DISTRICT**  
1250 San Carlos Ave. – P.O. Box 3006  
San Carlos, CA 94070-1306 Tel.(650) 508-6200

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GENERAL MANAGER/CEO

## Submission L018 (Aruna Bodduna, Santa Clara County (Roads and Airports Dept.), June 10, 2016)

### County of Santa Clara

Roads and Airports Department

101 Skyport Drive  
San Jose, California 95110-1302  
1-408-573-2400



June 10, 2016

Mark McLoughlin  
Director of Environmental Services  
Attention: San Francisco to San Jose Section EIR/EIS  
California High-Speed Rail Authority  
100 Paseo de San Antonio, San Jose, CA 95113

**SUBJECT: Notice of Preparation of a Project Environmental Impact Report/Environmental Impact Statement California High-Speed Rail System  
San Francisco to San Jose Project Section, Blended System Project**

Dear Mr. McLoughlin:

The County of Santa Clara Roads and Airports Department appreciates the opportunity to review the Notice of Preparation (NOP) and is submitting the following comments.

- Identify any significant impacts to the County Expressways (Central, Lawrence, Oregon and San Tomas) that either cross or are adjacent to the rail alignment and would be potentially affected by the track design and/or rail operations.
- A Transportation Impact Analysis (TIA) should be prepared for the proposed project following the latest adopted Valley Transportation Authority's (VTA's) Congestion Management Program (CMP) TIA Guidelines to identify significant impacts for the Environmental Impact Report (EIR). The analysis should be conducted using County signal timing for County study intersections and the most recent CMP counts and LOS data for CMP intersections. This information can be made available upon request.
- The preliminary Comprehensive County Expressway Planning Study – 2040 project list should be consulted for a list of mitigation measures for significant impacts to the expressways. Should the preliminary Expressway Plan 2040 project list not include an improvement that would mitigate a significant impact, the TIA should identify mitigation measures that would address the significant impact. Mitigation measures listed in the TIA should be incorporated into the EIR document.

If you have any questions about these comments, please contact Aruna Bodduna at 408-573-2462 or at [aruna.bodduna@rda.sccgov.org](mailto:aruna.bodduna@rda.sccgov.org).

Sincerely,

Aruna Bodduna  
Associate Transportation Planner

cc: MA, DSC

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian  
County Executive: Jeffrey V. Smith



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Submission L019 (Andrea Mackenzie, Santa Clara Valley Open Space Authority,  
July 14, 2016)

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**Response Requested :**

**Affiliation Type :** Local Agency

**Interest As :** Local Agency

**Submission Method :** Project Email

**First Name :** Andrea

**Last Name :** Mackenzie

**Business/Organization :** Santa Clara Valley Open Space Authority

**Email :** amackenzie@openspaceauthority.org

**Stakeholder** Dear Mr. McLoughlin,

**Comments/Issues :**

On behalf of the Santa Clara Valley Open Space Authority, I respectfully submit the attached written comments regarding the scope of the EIR/EIS for the San Francisco to San Jose Section EIR/EIS. I am also attaching the letter we previously submitted on June 10, 2016 as a reference. Please feel free to reach me if you have any questions.

Sincerely,

Galli Basson

Resource Management Specialist

408.224.7476 T

Openspaceauthority.org

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<<http://www.openspaceauthority.org/>>

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Submission L019 (Andrea Mackenzie, Santa Clara Valley Open Space Authority,  
July 14, 2016)

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July 14, 2016

Via Email



Mr. Mark McLoughlin  
Director of Environmental Services  
California High-Speed Rail Authority  
100 Paseo de San Antonio  
San Jose, CA 95113

Re: San Francisco to San Jose Section EIR/EIS-Notice of Preparation

Dear Mr. McLoughlin,

Thank you for extending the deadline to provide comments regarding the Notice of Preparation for the EIR/EIS for the San Francisco-San Jose segment of the California high-speed rail. The Santa Clara Valley Open Space Authority (OSA) previously submitted comments on the NOP on June 10, 2016 (enclosed) regarding concerns over cultural resources, park and recreation, farmland and agriculture, water resources, and biodiversity. We would like to provide additional feedback on the potential impacts to the wildlife corridor in Coyote Valley.

The OSA is a public land conservation agency and special district created by the California Legislature in 1993 to balance growth with the protection of open space, natural resources, greenbelts and agricultural land. To date, the OSA has worked with farmers, ranchers, public agencies and non-profit partners to conserve and steward over 20,000 acres of open space and agricultural land through voluntary acquisition of land and conservation easements. The OSA effectively partners with federal, state, regional and local agencies, non-profit organizations and foundations to leverage funding for land conservation projects.

As mentioned in our June 10, 2016 letter, Coyote Valley provides the best opportunity to provide connectivity between the Santa Cruz Mountains and the Diablo Range and is identified as a wildlife corridor in the California Essential Connectivity Project (2010), the Bay Area Critical Linkages Project (2013), and the Santa Cruz Mountains Conceptual Area Protection Plan (2012). Wildlife have been documented moving through the valley floor ([Coyote Valley Linkage Assessment Study](#), 2016), including juveniles and breeding adults. Coyote Valley represents a critical wildlife linkage connecting hundreds of thousands of acres of protected open space in the Santa Cruz Mountains and Diablo Range. Preserving this wildlife linkage also meets the intent of Assembly Bill 498 (Levine 2015) to protect the functioning of wildlife corridors.

Given the regional significance of Coyote Valley as an irreplaceable wildlife linkage, we feel it is incumbent on the High-Speed Rail Authority to incorporate wildlife connectivity as part of the design for the high-speed rail alignment in Coyote Valley and not rely solely on mitigating impacts to the wildlife corridor. In order to do so effectively, the High-Speed Rail Authority

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[openspaceauthority.org](http://openspaceauthority.org)

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Submission L019 (Andrea Mackenzie, Santa Clara Valley Open Space Authority,  
July 14, 2016) - Continued

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should engage with local planners, biologists, and corridor experts as necessary for wildlife corridor design and implementation. There are experts in corridor design, wildlife crossings, and mammal movement in the Bay Area that the High-Speed Rail Authority should reach out to assist with this effort. These include Dr. Adina Merenlender with UC Berkeley Cooperative Extension, Dr. Chris Wilmers with UC Santa Cruz, Dr. Jodi McGraw with Jodi McGraw Consulting, Nancy Siepel with Caltrans District 5, and Tanya Diamond with Pathways for Wildlife. There are also many agencies and scientists working on wildlife corridors and crossings throughout the state and the High-Speed Rail Authority should also be reaching out to staff working on those efforts as well.

Thank you again for the opportunity to provide additional comments on the San Francisco to San Jose Section EIR/EIS-Notice of Preparation. As noted in our June 10, 2016 letter, please ensure OSA staff receives any and all project correspondence, which can be directed to the following staff: Andrea Mackenzie, General Manager ([amackenzie@openspaceauthority.org](mailto:amackenzie@openspaceauthority.org)); Matt Freeman, Assistant General Manager ([mfreeman@openspaceauthority.org](mailto:mfreeman@openspaceauthority.org)); Jake Smith, Conservation GIS Coordinator ([jsmith@openspaceauthority.org](mailto:jsmith@openspaceauthority.org)); and Galli Basson, Resource Management Specialist ([gbasson@openspaceauthority.org](mailto:gbasson@openspaceauthority.org)).

Sincerely,

A handwritten signature in black ink that reads "Andrea Mackenzie". The signature is written in a cursive, flowing style.

Andrea Mackenzie  
General Manager

Cc: Ann Calnan, Valley Transportation Authority  
Karen Scarborough, High-Speed Rail Authority  
Ben Tripousis, High-Speed Rail Authority  
Barbara Marquez, High-Speed Rail Authority  
Emily Tibbott, Strategic Growth Council  
Jim Ortbal, City of San José  
Nancy Siepel, Caltrans District 5  
Steve Abbors, Midpeninsula Regional Open Space District

Enclosed: June 10, 2016 NOP comment letter



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Submission L019 (Andrea Mackenzie, Santa Clara Valley Open Space Authority,  
July 14, 2016)

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June 10, 2016

Via Email



Mr. Mark McLoughlin  
Director of Environmental Services  
California High-Speed Rail Authority  
100 Paseo de San Antonio  
San Jose, CA 95113

Re: San Francisco to San Jose Section EIR/EIS-Notice of Preparation

Dear California High-Speed Rail Authority,

This letter is in response to the Notice of Preparation for the EIR/EIS for the San Francisco-San Jose segment of the California high-speed rail.

The Santa Clara Valley Open Space Authority (OSA) is a public land conservation agency and special district created by the California Legislature in 1993 to balance growth with the protection of open space, natural resources, greenbelts and agricultural land. To date, the OSA has worked with farmers, ranchers, public agencies and non-profit partners to conserve and steward over 20,000 acres of open space and agricultural land through voluntary acquisition of land and conservation easements. The OSA effectively partners with federal, state, regional and local agencies, non-profit organizations and foundations to leverage funding for land conservation projects.

Our understanding is that the High-Speed Rail Authority is considering several alignment and grade options through our jurisdiction. We have not had the opportunity to analyze potential impacts for the entire alignment in Santa Clara County. As we discussed in our meeting on May 4<sup>th</sup>, 2016, the Coyote Valley region is one of the highest priorities for conservation for the OSA and other partners in the region. Therefore most of these initial comments are focused on potential impacts to the Coyote Valley region. However, the OSA would like to also review impacts in other regions such as the Upper Pajaro region in addition to Coyote Valley as future plans and documents are released.

Cultural Resources

The Coyote Valley region is culturally significant for the Amah Mutsun tribal band. The High Speed Rail Authority should engage with the Amah Mutsun Land Trust in future scoping meetings to evaluate potential impacts and mitigations. The Amah Mutsun Land Trust current contact person is Valentin Lopez and he can be reached at [vilttestingcenter@aol.com](mailto:vilttestingcenter@aol.com).

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## Submission L019 (Andrea Mackenzie, Santa Clara Valley Open Space Authority, July 14, 2016) - Continued

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Coyote Valley is historically significant due to the historic Juan Bautista de Anza trail corridor and current and planned trail and auto route alignments in both the Coyote Valley and Pajaro regions. The Coyote Creek Parkway is a certified Juan Bautista de Anza Trail and is the location of one of the alignments the High-Speed Rail Authority is considering. The impacts to cultural resources should be evaluated in the EIR process. The Santa Clara County Board of Supervisors is currently working with the National Park Service to consider designation of Santa Clara County as a Natural Heritage Area.

### Park and Recreation

One of the proposed alignments that travels through the Coyote Creek Parkway would result in significant recreational impacts. This scenic parkway meanders along Coyote Creek for 15 miles and includes the alignment of the Bay Area Ridge Trail. The Bay Area Ridge Trail is a nine-county regionally significant trail system in the Bay Area. The High Speed Rail Authority should evaluate the impacts an alignment along the Parkway would cause to the thousands of park visitors that enjoy the recreation amenities the Parkway offers and evaluate potential mitigation for these impacts.

The High-Speed Rail alignment will intersect with cross valley trails identified in the Santa Clara County Trails Master Plan. The High Speed Rail Authority should evaluate impacts to trails in the Coyote Valley and Pajaro regions identified in the [City of San Jose Greenprint](#) and [Santa Clara County Trails Plan](#) and should consult with City and County Trail Planners to evaluate and mitigate these impacts.

### Farmland and Agriculture

Farmland in Santa Clara County has declined by 45% in the last 20 years (California Farmland Conservancy website 2014). Of the remaining 27,000 acres of farmland that remains, approximately half is considered at risk of development over the next 30 years (Greenbelt Alliance 2012). Based on the data available to us, 2,483 acres of active farmland with an additional 923 acres of fallow agricultural lands fall within the alignment alternative footprints currently under consideration. Facilities such as the proposed maintenance facility should be sited on previously disturbed lands or brownfield sites as opposed to prime farmland to minimize impacts to active farm production in South Santa Clara County. As we discussed during our meeting on May 4<sup>th</sup>, the Strategic Growth Council awarded a grant to Santa Clara County and the OSA to develop a farmland priorities and preservation plan for Southern Santa Clara County. The mitigation priorities identified by High-Speed Rail should be consistent with this grant funded effort and any in lieu fees generated should be made available for local farmland preservation.

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## Submission L019 (Andrea Mackenzie, Santa Clara Valley Open Space Authority, July 14, 2016) - Continued

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### Water Resources

Water resources should also be considered as being significantly impacted by the High-Speed Rail alignment and maintenance facility. If the alignment travels through a riparian corridor such as the Coyote Creek Parkway significant impacts to streams and creeks could occur. Additional impacts to groundwater and floodplains could also occur, particularly by the maintenance facility. Santa Clara County relies on our groundwater aquifers to supply water to the majority of the County and relies on its floodplain to protect critical infrastructure from damage. Based on the data available to us, over 1,700 acres of undeveloped groundwater recharge areas and 257 acres of undeveloped 100-yr floodplain lands fall within the alignment alternative footprints currently under consideration.

### Biodiversity

Coyote Valley is identified as one of two significant wildlife linkages between the Santa Cruz Mountains and the Diablo Range (the Upper Pajaro is the other wildlife linkage between these ranges) in the California Essential Connectivity Project (2010), the Bay Area Critical Linkages Project (BACL, 2013), and the Santa Cruz Mountains Conceptual Area Protection Plan (CAPP, 2012). Coyote Valley provides the closest proximity connection and is the best opportunity to provide connectivity. Many species of wildlife have been documented moving through the valley floor ([Coyote Valley Linkage Assessment Study](#), 2016). This location is irreplaceable for a wildlife linkage between these two ranges which is essential for wildlife to adapt to climate change. Preserving wildlife linkages would also promote climate resiliency by allowing animals to move into favorable habitat as they adapt to climate change.

Regardless of the final alignment, significant impacts appear unavoidable. For instance, an at-grade fully fenced alignment along Monterey Highway would cut-off wildlife movement between the Diablo Range and Santa Cruz Mountains. Based on the data available to us, 2,333 acres of habitat within the wildlife corridor identified by the BACL and CAPP fall within the alignment alternative footprints currently under consideration. When we met with planning staff from the High-Speed Rail Authority on May 4<sup>th</sup>, staff agreed to share data on the proposed alignments. Staff also indicated the budget for this segment of the High-Speed Rail could accommodate some above-grade engineering to protect functional wildlife connectivity. Therefore the High-Speed Rail Authority should very carefully evaluate biodiversity impacts when evaluating the alignment, track elevation, location of maintenance yard, and fencing in its design to ensure functional wildlife connectivity is protected and enhanced. We also strongly encourage the High-Speed Rail Authority to engage with OSA and its conservation partners to determine how to avoid impacts and preserve wildlife movement.

Given the regional biodiversity significance of the Coyote Valley region, OSA is working with many different partners to protect and enhance wildlife connectivity, including the Peninsula Open Space Trust, The Nature Conservancy, Valley Transportation Authority, Caltrans, Valley

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Submission L019 (Andrea Mackenzie, Santa Clara Valley Open Space Authority,  
July 14, 2016) - Continued

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Habitat Agency, and California Department of Fish and Wildlife. Coyote Valley and the Upper Pajaro represent unique opportunities to direct advanced mitigation for habitat impacts in order to maintain essential wildlife linkages. These critical wildlife linkages connect hundreds of thousands of acres of protected open space connecting the Santa Cruz Mountains and Diablo Range. The OSA and our partners have invested significant resources towards protecting and enhancing these regions and the High-Speed Rail Authority should engage with us to identify other mitigation opportunities. One potential avenue for advanced mitigation is a Regional Conservation Framework for Santa Clara County being developed in partnership with The Nature Conservancy as part of the Bay Area RAMP.

Finally, the OSA did not receive notice of this Notice of Preparation by the High-Speed Rail Authority, despite meeting with key members of the High-Speed Rail Authority on May 4<sup>th</sup>, 2016 and submitting a letter on April 15, 2016 commenting on the business plan and requesting to be notified of any updates on the project. Please ensure OSA receives any and all project correspondence moving forward. This can be directed to the following staff: Andrea Mackenzie, General Manager ([amackenzie@openspaceauthority.org](mailto:amackenzie@openspaceauthority.org)); Matt Freeman, Assistant General Manager ([mfreeman@openspaceauthority.org](mailto:mfreeman@openspaceauthority.org)); Jake Smith, Conservation GIS Coordinator ([jsmith@openspaceauthority.org](mailto:jsmith@openspaceauthority.org)); and Galli Basson, Resource Management Specialist ([gbasson@openspaceauthority.org](mailto:gbasson@openspaceauthority.org)).

Sincerely,

A handwritten signature in black ink that reads "Andrea Mackenzie". The signature is fluid and cursive, with the first name "Andrea" and last name "Mackenzie" clearly distinguishable.

Andrea Mackenzie  
General Manager

Cc: Valentin Lopez, Amah Mutsun Land Trust  
Ann Calnan, Valley Transportation Authority  
Karen Scarborough, High-Speed Rail Authority  
Ben Tripousis, High-Speed Rail Authority  
Elizabeth O'Donoghue, The Nature Conservancy  
Edmund Sullivan, Valley Habitat Agency

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**Submission L020 (Roy Molseed, Santa Clara Valley Transportation Authority (VTA), June 10, 2016)**

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June 10, 2016

California High-Speed Rail Authority  
770 L Street, Suite 1160  
Sacramento, CA 95814

Attention: Mark A. McLoughlin

Subject: California High-Speed Rail System, San Francisco to San Jose Project Section,  
Blended System Project NOP for EIR/EIS

Dear Mr. McLoughlin:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the NOP for the California High-Speed Rail System, San Francisco to San Jose Project Section, Blended System Project. We have the following comments.

The environmental analysis for the Draft EIR/EIS should consider the following:

- Effects of the Blended System Alternative on vehicle miles traveled (VMT).
- Impacts that the Blended system may have on existing and planned pedestrian or bicycle circulation across or along the corridor. We are particularly concerned about bike/pedestrian connections across the corridor being severed, and suggest a policy/goal that this project provide no reduction in the number of locations where bike/pedestrian access is provided across the railway, and, if possible, create additional bike/pedestrian connections as mitigation. Any closure of any at-grade crossing should mitigate the impacts on bicyclists and pedestrians by constructing a proximate grade-separated bike/pedestrian connection. It is less important to maintain driving access across the rail corridor because people are able to drive longer distances without significant burden. With bicyclists and pedestrians, closing a connection significantly increases the amount of time they need to travel, and will result in more people driving instead of walking/biking.
- Opportunities for mitigation projects to include bike/pedestrian improvements along or across Caltrain, including, but not limited to, bike/pedestrian bridges or undercrossings.

During the analysis, the HSR Authority should review local city and county plans for bicycle and pedestrian circulation, and should bike/walk the corridor to ensure they understand the quality and importance of the bike/pedestrian connections to each community.

3331 North First Street • San Jose, CA 95134-1927 • Administration 408.321.5555 • Customer Service 408.321.2300 • [www.vta.org](http://www.vta.org)



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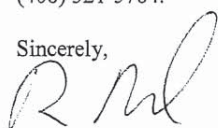
Submission L020 (Roy Molseed, Santa Clara Valley Transportation Authority  
(VTA), June 10, 2016) - Continued

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California High-Speed Rail Authority  
June 10, 2016  
Page 2

Thank you for the opportunity to review this project. If you have any questions, please call me at  
(408) 321-5784.

Sincerely,



Roy Molseed  
Senior Environmental Planner

cc: Patricia Maurice, Caltrans  
Brian Ashurst, Caltrans

CHSRA1501

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Submission L021 (Yvonne Arroyo, Santa Clara Valley Water District, June 9, 2016)

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**Response Requested :**

**Affiliation Type :** Local Agency

**Interest As :** Local Agency

**Submission Method :** Project Email

**First Name :** Yvonne

**Last Name :** Arroyo

**Business/Organization :** Santa Clara Valley Water District

**Email :** yarroyo@valleywater.org

**Stakeholder** Dear Mr. McLoughlin,

**Comments/Issues :**

Please find attached the Santa Clara Valley Water District's comments on the Notice of Preparation for an EIR/EIS on subject project.

We would appreciate if you would respond affirming your receipt of the comments. Thank you.

[cid:image001.png@01D1C268.0B9B00B0]

Yvonne Arroyo  
ASSOCIATE ENGINEER  
Community Projects Review Unit  
Watersheds  
Santa Clara Valley Water District  
(408) 630-2319  
yarroyo@valleywater.org

## Submission L021 (Yvonne Arroyo, Santa Clara Valley Water District, June 9, 2016)

5750 Almaden Expressway, San Jose, CA 95118-3614 | (408) 265-2600 | [www.valleywater.org](http://www.valleywater.org)



File: 30077  
Various

June 9, 2016

Mr. Mark McLoughlin, Director of Environmental Services  
Attention: San Francisco to San Jose Section EIR/EIS  
California High-Speed Rail Authority  
100 Paseo de San Antonio  
San Jose, CA 95113

Subject: California High-Speed Rail System, San Francisco to San Jose Project Section,  
Blended System Project

Dear Mr. McLoughlin:

The Santa Clara Valley Water District (District) has reviewed the Notice of Preparation (NOP) of a Project Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the subject project. The District has the following comments on the NOP for your consideration during the preparation of the EIR:

The District provides comprehensive water management for all beneficial uses and protection from flooding within Santa Clara County as described in the Santa Clara Valley Water District Act. In support of its mission, the District operates and maintains several water resource facilities in Santa Clara County, including flood protection facilities and water supply facilities which may be above ground or underground, several of which cross the Caltrain right of way which will be affected by the high-speed train project. The District's Water Resources Protection Ordinance requires that a District permit be obtained prior to any modification of or encroachment onto a District facility. The District may be a Responsible Agency under the California Environmental Quality Act if the project requires permitting under the Water Resources Protection Ordinance, which appears to be a likely scenario, depending on the actual improvements or modifications to the Caltrain right of way needed to accommodate the high-speed train and its appurtenant facilities.

The EIR/EIS should identify and discuss the potential for any needed modifications to existing bridges or other crossings of existing creeks, culverts, or other flood protection facilities and include details of any proposed mitigation measures to address adverse impacts to those facilities, including but not limited to blocking or hindering access, increasing maintenance costs, and biological impacts to any riparian corridors.

The EIR/EIS should identify and discuss any potential to alter existing flood flows or flood patterns from construction of rail improvements or stations and provide mitigations accordingly. Additionally, if a large amount of impervious surface area will be introduced from new parking structures or other facilities related to operation or maintenance of the high-speed train, then the EIR should discuss mitigation for increased runoff which may exacerbate existing flooding conditions or increase the frequency of flooding.

Our mission is to provide Silicon Valley safe, clean water for a healthy life, environment, and economy.

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## Submission L021 (Yvonne Arroyo, Santa Clara Valley Water District, June 9, 2016) - Continued

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Mr. Mark McLoughlin  
Page 2  
June 9, 2016

The EIR/EIS should discuss any potential for the project to degrade water quality in adjacent surface waters directly or indirectly via storm drainage.

The EIR/EIS should discuss and mitigate for any potential to adversely impact groundwater quality from storm water management facilities (i.e. retention basins for managing increased runoff or filtration-type basins for water quality treatment of storm runoff) or from any tunneling or other underground work.

The EIR/EIS should discuss and mitigate for any potential changes in natural groundwater recharge, especially in the unconfined areas of the valley floor, resulting from new impervious surface areas.

The EIR/EIS should discuss and mitigate for impacts to water supply due to the project. Water supply impacts include growth-induced impacts from the project, and from project water demand such as for landscaping, or for new facilities/stations. The District strongly recommends the project meet or exceed local water-efficient landscape ordinance requirements. The District also strongly recommends that facilities be provided with water efficient appliances and fittings and utilize water efficient irrigation devices. The EIR/EIS should include a discussion on the potential for use of recycled water as a source of supply for project facilities.

The EIR/EIS should identify and discuss any potential to modify or disturb either of the District's two large diameter water supply pipelines that cross the high-speed rail alignment. Also, the District is in the planning stages for a new large diameter purified water pipeline which will cross the Caltrain right of way at one of three potential locations (Hedding Street, Scott Boulevard, or Bowers Avenue). The District supplies Santa Clara County with a majority of its wholesale water. As a result, careful consideration must be taken when designing the high-speed train facilities to ensure that the District's water supply facilities are not adversely impacted during construction or in the long term whereby our maintenance costs are increased or our maintenance access is compromised. Additionally, the potential for stray currents and interference associated with the high-speed rail facilities to adversely affect District pipelines, facilities and cathodic protection systems must be evaluated by a corrosion expert and appropriate mitigation and monitoring provided.

The NOP did not contain a detailed description of exactly how the project will be constructed in the Caltrain right of way; therefore, the District is unable to provide specific details on how the project may or may not impact our facilities. The EIR should contain sufficient detail of the project alternatives to determine the extent of potential impacts and area of influence of the project. The EIR/EIS should provide better clarity on whether the high-speed rail facilities will be above ground, below ground or utilize existing tracks at existing grade and define the limits where these modifications will occur such that the District can provide more detail on how the project may impact our facilities.

The District appreciates the opportunity to provide comments on the NOP and looks forward to reviewing the EIR/EIS when it is available. Please notify the District at the earliest possible time

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Submission L021 (Yvonne Arroyo, Santa Clara Valley Water District, June 9, 2016) - Continued

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Mr. Mark McLoughlin  
Page 3  
June 9, 2016

as to the availability of the EIR/EIS. If you have questions, please contact me at (408) 630-2319.

Sincerely,



Yvonne Arroyo  
Associate Engineer  
Community Projects Review Unit

cc: S. Tippets, T. Hemmeter, C. Tulloch, J. Crowley, K. Uyeda, D. Butler, J. Chiar,  
L. Jaimes, M. Richardson, K. Oven, V. De La Piedra, H. Ashktorab, A. Partridge,  
J. De La Piedra, L. Lee, D. Mody, G. Meamber, R. Van Den Berg, R. Kaur, C. Haggerty,  
U. Chatwani, Y. Arroyo, File

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Submission L022 (James Janz, Town of Atherton Rail Committee, June 9, 2016)



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**Submission L022 (James Janz, Town of Atherton Rail Committee, June 9, 2016)**  
**- Continued**

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**Town of Atherton**

91 Ashfield Road  
Atherton, California 94027  
650-752-0500  
Fax 650-688-6528

June 9, 2016

Mr. Mark McLoughlin, Director of Environmental Services  
California High Speed rail Authority  
770 L Street, Suite 1160  
Sacramento, CA 95814

Subject: Town of Atherton Comments on the California High Speed Rail Authority Notice of Intent/Notice of Preparation for the San Francisco to San Jose Project Section

Dear Mr. McLoughlin:

This letter is being submitted on behalf of the Town of Atherton Rail Committee. The Town of Atherton is committed to ensuring the EIR/EIS for the San Francisco to San Jose Section of the High Speed Rail Project be prepared in an objective, balanced, fair, and comprehensive manner to ensure project impacts from the introduction of high speed train operations on the existing Caltrain facilities have minimal damage, health hazards, and inconvenience to Atherton residents. By using the Caltrain tracks, high speed trains will pass through the center of Atherton immediately adjacent to existing homes and Town Center. Environmental impacts of greatest concern include: (1) right of way acquisitions, both permanent and temporary for construction, (2) noise during construction and train operations, (3) traffic interruption, (4) tree removal, (5) dust, (6) traffic interference, and (7) physical danger.

Town representatives attended recent scoping meetings conducted in Peninsula cities and were disappointed that although a great deal of public comments were received, there was no evidence that the Authority has taken notice of those comments. For example, as reported at the Mountain View scoping meeting, the San Jose City Council has voted unanimously to place the San Jose High Speed Rail station below ground level, but this alternative is not even under consideration. Surely if the negotiations between the Authority and the City are as extensive as claimed at the meeting, this Council decision would have been discussed at length. Palo Alto has invested in an extensive investigation of both High Speed Rail and Caltrain service through its community. As a result the City strongly supports putting the joint line in a trench south of California Avenue. There is no evidence of this alternative in the Authority's scoping material.

The Authority professes to be working with Caltrain to explore the utility of several alternative passing tracks for high speed trains to use to overtake Caltrain trains. Several alternatives have been drawn on a map, but the Authority has not taken the trouble to lay these alternatives on maps of the Caltrain right of way to identify the property taking needed to implement each alternative. Property taking is of critical importance to both residents and municipalities. A frank

## Submission L022 (James Janz, Town of Atherton Rail Committee, June 9, 2016) - Continued

disclosure of this information would generate a productive discussion of alternative mitigation measures.

The greatest concern of residents who attended the scoping meetings is the impact of high speed rail on the 44 grade crossings between San Francisco and San Jose that will not be grade separated by the Authority. With heavy traffic congestion already occurring at all arterial grade crossings, the addition of four more trains per rush hour will cause gridlock across the entire Peninsula. This is an unacceptable burden on the Peninsula cities.

The Authority is proposing to install quad gates at all grade crossings. These are required by the FRA before trains can be operated at speeds up to 110 mph, the speed the Authority requires for high speed trains to meet the 30 minute travel time between San Francisco and San Jose. The three grade crossings that the Authority plans to separate are all in San Mateo at 25<sup>th</sup>, 28<sup>th</sup>, and 31<sup>st</sup> Avenues. Although these are important crossings, there are many more that would suffer extreme traffic congestion. With 20 high speed and Caltrain trains per peak hour passing through each grade crossing, the crossing gates would go down every three minutes on average and would be down for at least 15 minutes each hour, even with positive train control that would sense trains approaching stations and eliminate premature closing. It should be remembered that Caltrain's CBOSS positive train control system has not yet been fully proven; ensuring that stopping trains will stop without fail.

In addition to the above concerns, the Town invites your attention to the following matters that should be addressed in the Environmental Report.

### **The Blended System's Reduced Impact on Highway and Air Traffic Congestion**

The Statewide Program EIR/EIS was based on both north bound and south bound high speed trains operating at five minute intervals, or 12 trains per hour in each direction. Reductions in highway and airport congestion were based on travelers filling this number of trains. As outlined on CHSRA's (Authority's) 2016 Business Plan, under the Blended System, high speed train departures and arrivals in San Francisco would be limited to four trains per hour, or one third of the traffic level contemplated by the Statewide Program EIR/EIS. This will greatly reduce the amount of traffic that can be diverted from highway and air modes of travel. As proposed, four trains per hour can carry only 2,000 to 2,500 passengers per hour. This is equivalent to just over one highway lane, depending on automobile occupancy. Similarly, travel from the Millbrae HSR Station, serving San Francisco Airport would be limited to the capacity of one half of an active runway. Neither diversion represents a significant impact on highway or airport congestion. To continue to claim a significant reduction in highway traffic and airport congestion is improper.

### **No Action Alternative**

It is important that the No Action Alternative properly reflect the real impact of high speed rail travel on passenger travel between San Francisco and San Jose. Any Caltrain alignment improvements proposed by the Authority would benefit both high speed and Caltrain travel. In the absence of high speed rail, they could be executed by Caltrain for its own benefit. Both high speed and Caltrain trains would be subject to the same top speed. Both could provide either non-stop or one-stop (Millbrae) service between San Francisco and San Jose. Thus, the travel times would be essentially identical. The two services for long distance travelers would differ only in the

## Submission L022 (James Janz, Town of Atherton Rail Committee, June 9, 2016) - Continued

need for a transfer between Caltrain and a high speed train at San Jose. There would be no difference in overall capacity offered by 6 Caltrain and 4 high speed trains and 10 Caltrain trains. There may be a slight difference in comfort favoring high speed trains, and there would likely be a difference in cost, favoring Caltrain. The EIR/EIS must reflect only this negligible difference.

### **Impact on Caltrain Electrification**

All changes to Caltrain's track alignment, both horizontal and vertical, performed by the Authority, including curve straightening and grade separations will have a significant impact on Caltrain's electrification project which is currently underway. It is important that all changes contemplated by the Authority be fixed at an early date so that Caltrain's electrification work can be modified to minimize the tear down and replacement of poles, structure, wires, substations, communication lines, and other electrification material to accommodate high speed rail.

### **Consideration and Impacts of Revitalization of the Dumbarton Corridor**

A study to evaluate congestion relief alterations along the Dumbarton Corridor is currently underway due to funding provided by Facebook. Since several of its features would affect Atherton residents and others on the Peninsula, the operational and infrastructure requirements of this project should be included and analyzed along with the Caltrain/High Speed Rail operational requirements and impacts. For example, the previous Caltrain study of the Dumbarton Project suggested that one feature of it might be a holding track that reached from slightly north of 5th Avenue, south to Fair Oaks Lane. Since that would affect the adjacent Atherton neighborhoods along the right of way, we would need to know when and for how long trains would be parked there thus affecting the visual, audio and air quality of the adjacent properties.

### **Positive Train Control**

For a number of years, Caltrain has been developing and installing its own positive train control system called (CBOSS). In recent months, the installation and testing have been interrupted by software problems, but the work continues to press forward. The CBOSS system represents an investment approaching \$400 million, a significant amount. If high speed trains are to operate on Caltrain tracks it is essential that they be able to be controlled by the CBOSS system or that CBOSS be completely replaced by a compatible positive train control system. This could be a major investment. This is an important issue for both train capacity, environmental impact and safety. The Authority claims that high speed trains can use CBOSS without change. However, unless CBOSS is installed throughout the High Speed Rail System, there will be compatibility problems, particularly on tracks shared with Metrolink, which uses a different positive train control system.

### **Union Pacific Railroad**

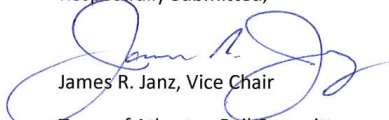
By the trackage rights agreement between the Peninsula Joint Powers Board, owner of Caltrain tracks and the Union Pacific Railroad, the Union Pacific Railroad has exclusive rights for all intercity passenger rail service using Caltrain tracks. Although it has claimed for years that it is in productive negotiation with the Union Pacific, the Authority has no right to operate high speed intercity trains on the Caltrain tracks. Without this right, an EIR/EIS is moot. It is important that this right be secured before large amounts of money are spent on modifying the Caltrain tracks in a manner that is unacceptable to the Union Pacific and must, therefore, be redone.

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Submission L022 (James Janz, Town of Atherton Rail Committee, June 9, 2016)  
- Continued

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Respectfully Submitted,

  
James R. Janz, Vice Chair  
Town of Atherton Rail Committee

Cc: Mayor Elizabeth Lewis  
Vice Mayor Michael Lempres  
Council Member Cary Wiest  
Council Member Rick DeGolia  
Council Member Bill Widmer  
George Rodericks, City Manager  
Atherton Rail Committee



Submission L023 (Christina Watson, Transportation Agency for Monterey County, May 25, 2016)

 <b>CALIFORNIA High-Speed Rail Authority</b>		<b>SAN FRANCISCO TO SAN JOSE SCOPING MEETING PUBLIC COMMENT SPEAKER CARD</b>	
<b>NAME:</b> CHRISTINA WATSON, PRINCIPAL TRANSP. PLANNER		<b>DATE:</b> 5/25/16	
<b>REPRESENTING:</b> TRANSPORTATION AGENCY FOR MONTEREY COUNTY		<b>EMAIL:</b> christina@tamcmonterey.org	
<b>ADDRESS:</b> 55 B PLAZA CIRCLE, SALINAS 93901		<b>PHONE:</b> 831-775-4406	
<b>CITY:</b>	<b>STATE:</b>	<b>ZIP:</b>	
<b>DO YOU HAVE A PREPARED STATEMENT THAT YOU WANT TO PROVIDE THE GROUP?</b>		<input type="radio"/> YES <input checked="" type="radio"/> NO	
<b>COMMENTS:</b> Divisadero Station may be the most complex 3D puzzle for this corridor and will be the Central Station of the west coast. To avoid seas and massive structures of parking, it is most critical to enable multimodal access to the station and cross platform transfers. Using only existing tracks & platforms for HSR will cause delays to all transit and make timed transfers all but impossible. The env. document should look at a larger footprint for the at-grade alignment option to allow for additional tracks and platforms for HSR so traditional rail services can continue & expand connecting services.			

IDENTIFY YOURSELF CLEARLY WHEN ADDRESSING THE GROUP. YOU WILL BE ALLOTTED TWO MINUTES TO PROVIDE PUBLIC COMMENT.

## **Appendix A.4**

### **Comments from Elected Officials**

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## Submission E001 (Ann Keighran, City of Burlingame, June 6, 2016)

CITY OF BURLINGAME  
DIRECTOR OF PUBLIC WORKS  
501 PRIMROSE ROAD  
BURLINGAME, CA 94010-3997

Mark A. McLaughlin  
Director of Environmental Services  
Attn: San Francisco to San Jose  
California High Speed Rail Authority  
100 Paseo de San Antonio, Suite 206  
San Jose, CA 95113

95113-140256

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Submission E001 (Ann Keighran, City of Burlingame, June 6, 2016) -  
Continued

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## The City of Burlingame

ANN KEIGHRAN, MAYOR  
RICARDO ORTIZ, VICE MAYOR  
MICHAEL BROWNRIGG  
DONNA COLSON  
EMILY BEACH

CITY HALL - 501 PRIMROSE ROAD  
BURLINGAME, CALIFORNIA 94010-3997  
[www.burlingame.org](http://www.burlingame.org)

TEL: (650) 558-7200  
FAX: (650) 556-8281

June 6, 2016

Mark A. McLaughlin  
Director of Environmental Services  
Attn: San Francisco to San Jose California High-Speed Rail Authority  
100 Paseo De San Antonio, Suite 206  
San Jose, CA 95113

Email: [san.francisco\\_san.jose@hsr.ca.gov](mailto:san.francisco_san.jose@hsr.ca.gov)

**Subject: City of Burlingame Comments for the Scoping of the Environmental Impact Report/Environmental Impact Studies (EIR/EIS) for the High-Speed Rail Project.**

Dear Mr. McLaughlin:

The City of Burlingame appreciates the opportunity to submit the following comments for the scoping of the Environmental Impact Report/Statement for the California High Speed Rail (CHSR) Project. The City of Burlingame has several concerns regarding the proposed CHSR project and its potential impacts to our community. The City of Burlingame requests that the California High Speed Rail Authority thoroughly study the following comments and concerns, and address them as part of the project EIR/EIS.

**1. The CHSR Project shall not create a visual or physical divide through the community.**

The proposed corridor for the CHSR project runs north-south through Burlingame, bisecting major residential areas in the city. Homes begin just south of the existing Millbrae Intermodal Station and end at the San Mateo city border. In some areas, there are residences, parks, and a school within 50 feet of the railroad tracks. Burlingame High School and Washington Park are adjacent to the proposed corridor, with east-west connections across the corridor to the downtown and the Burlingame Avenue Train Station. One-quarter of our population lives east of the rail line, and the CHSR



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## Submission E001 (Ann Keighran, City of Burlingame, June 6, 2016) - Continued

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Mr. Mark A. McLaughlin  
June 6, 2016  
Page 2

improvements could adversely divide our city in two. The project shall not disrupt existing services nor create a physical barrier dividing the city.

The proposed project alternatives should be consistent with City zoning and General Plan requirements. The existing General Plan and preliminary Downtown Plan encourage high-density housing along transportation corridors. A physical barrier along the rail line will diminish the desirability of living close to the train and decrease property values. The City requests an economic study of the future impacts of the high-speed rail service on properties in and around the corridor.

The project should study all other impacts in the EIR/EIS including emergency vehicle access, aesthetics (visual, lighting, and fencing), noise, vibrations, vehicle traffic, pedestrian and bicycle traffic, air pollution, right-of-way impacts, and land takings,

### **2. Study, Identify and mitigate traffic congestion and safety impacts resulting from the proposed project.**

There are 92 Caltrain trains currently operating along the Caltrain corridor. The City of Burlingame has six at-grade crossings, which are heavily impacted by the number of trains already operating along the corridor. The City believes that the proposed project will significantly increase the train traffic along the corridor, further exacerbating existing traffic congestion, and will increase public health and safety hazards at these at-grade crossings. The project should study all grade crossings for public health and safety risks, traffic congestion, locomotive vibrations, and noise and air quality impacts, and mitigate them to the satisfaction of the City of Burlingame.

### **3. Incorporate Broadway Grade Separation as part of the CHSR Project to mitigate traffic safety and congestion impacts**

Broadway is a major arterial in the City of Burlingame, and is the city's only direct access to US Highway 101, serving as its gateway. Also, the Broadway corridor is home to several auto dealerships and the commercial district, and provides direct access to the Rollins Road industrial area. Over 70,000 vehicles utilize the Broadway corridor on an average daily basis. Among the existing six at-grade railroad crossings in Burlingame, Broadway is the worst in terms of traffic congestion primarily due to the traffic volume and the number of trains currently operating on the Caltrain corridor. There have been several train-to-vehicle, and vehicle-to-vehicle collisions at this at-grade crossing in the recent past. Broadway is ranked as the 2<sup>nd</sup> highest priority for grade separation in the entire state by the California Public Utilities Commission as part of the 2016-17 Grade Separation Priority List. This ranking does not take into account the additional trains from the proposed CHSR project. The addition of CHSR trains to this congested corridor will result in a complete failure due to the proposed number of trains crossing the intersection and the associated projected increase in traffic congestion and safety hazards unless a grade separation is built. The City requests that the CHSR include

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## Submission E001 (Ann Keighran, City of Burlingame, June 6, 2016) - Continued

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Mr. Mark A. McLaughlin  
June 6, 2016  
Page 3

the construction of the Broadway Grade Separation Project as part of the CHSR project to mitigate project impacts. The City of Burlingame is near completion of a Project Study Report (PSR) for the Broadway Grade Separation Project and has identified a preferred option for the project, which involves partially raising the railroad tracks and partially lowering the roadway. The City of Burlingame will be happy to meet with the CHSR project team to provide more details of the PSR and address any questions.

**4. Study, identify and mitigate impacts from train horn noise and construct necessary improvements to implement Quiet Zone.**

The City of Burlingame believes that with the increased number of trains and the number of existing at-grade crossings in Burlingame, the train horn noise will significantly increase and will adversely impact the quality of life for Burlingame residents and businesses. The City requests that the CHSRA study, identify, and mitigate all impacts associated with train horn noise by constructing necessary safety improvements and implementing a Quiet Zone through Burlingame.

**5. Protect and preserve all historic resources, including but not limited to the Burlingame Avenue and Broadway train stations, as well as the eucalyptus grove.**

There are two historic train stations listed with the National Historic Register in Burlingame. The Broadway station (currently a restaurant) is to the north, while the recently improved Burlingame Avenue Train Station is to the south. In addition, there is a historic eucalyptus grove from North Lane to beyond Oak Grove Avenue, on the west side of the tracks (the Franchard Trust Grove). These historic resources should be preserved and maintained at their current state and locations.

If future improvements will impact any other existing landscaping elements adjacent to the tracks, the City recommends installing replacement landscaping now to ensure future screening. Landscaping along the corridor has been critically important to reducing visual and aesthetic impacts from the existing rail line and should be maintained with all future construction.

The community participated and spent more than five years in the planning, design, and construction of the new \$20.5 million improvements at the Burlingame Avenue Train Station, while respecting the station's historic elements. It is imperative that the CHSR project preserve these improvements.

**6. Avoid impacts to the downtown business districts**

The project must take into account the two main commercial districts in Burlingame: Burlingame Avenue and Broadway. Both were developed adjacent to the train tracks when the stations were built. These commercial streets are the heart of the city's retail districts. There should be no impacts to these two vital areas from the proposed project.

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## Submission E001 (Ann Keighran, City of Burlingame, June 6, 2016) - Continued

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Mr. Mark A. McLaughlin  
June 6, 2016  
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Existing connections across the tracks to the two downtowns must be seamless and continuous with the proposed project. Also, there should be no impact to the retail areas during construction.

As a method of mitigation, the project should identify all traffic impacts to the two main commercial district streets, as well as to streets at all the other railroad crossings throughout the city. These include Oak Grove Avenue, North Lane, Howard Avenue, Bayswater Avenue, and Peninsula Avenue. The project should also establish mitigation plans to address impacts in terms of traffic delays, level of service, gate down-times, and traffic volumes (both present and future).

### **7. Minimize construction impacts to existing Caltrain service**

The CHSRA should demonstrate by engineering studies how the high-speed rail line can be built while maintaining and enhancing existing Caltrain service. Residents depend on Caltrain service for transportation to and from work and other activities. This service should not be interrupted but maintained at all times during construction.

Also, the EIR/EIS should consider how additional side tracks will be used to divert existing rail service during construction. It should identify where and how temporary shoo-fly tracks are to be used for phasing construction. The City is adamantly opposed to the inclusion of passing tracks within the limits of Burlingame.

### **8. Mitigate construction impacts to residents, schools and businesses**

The project should study, identify and mitigate all potential construction impacts to the residents, schools, and businesses in the city. Residents, businesses and emergency services such as Police, Fire and Medical services heavily depend on the existing railroad crossings for emergency access. These railroad crossings must remain open to the public throughout the project construction period.

In addition, the project should also include in its study potential loss of revenue to the businesses from the project construction activities and address such impacts.

### **9. Mitigate impacts from Millbrae High Speed Rail Train Station**

The City of Burlingame understands that the CHSRA is proposing to build a train station at the Millbrae Intermodal Caltrain/BART station. The existing Millbrae Intermodal Caltrain/BART station is near the north city limits for Burlingame, and any improvements related to the newly proposed train station would likely impact the surrounding area, thereby affecting Burlingame residents and businesses. In particular, the City is concerned about potential spill-over parking impacts and increased traffic congestion in the nearby neighborhoods from the proposed train station. The City requests that the CHSRA study, identify and mitigate all associated impacts with the proposed train



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## Submission E001 (Ann Keighran, City of Burlingame, June 6, 2016) - Continued

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Mr. Mark A. McLaughlin  
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station.

### **10. Minimize utility impacts**

Major utility lines currently cross the railroad corridor throughout the city. They include gravity storm drains and culverts, water lines, sewer mains, signal conduits, and street lights. These lines may be potentially in conflict with the proposed project and should be protected in place or redesigned and reconstructed, if required, to the satisfaction of the City's Public Works Department at no cost to the City.

In addition, a portion of the railroad corridor carries storm water from Burlingame, Ralston, Terrace and Sanchez Creeks, thus acting as a detention basin during heavy rains and high tides. The proposed project may significantly upset the drainage capacity of the system and compromise flood protection to the community. The storm drain system must be thoroughly studied and addressed by the project to avoid impacts.

### **11. Coordinate project with other regional projects and services**

The project must not impact the Broadway Interchange improvements. With Broadway as the only access to U.S. Highway 101 in Burlingame, changes to the Broadway rail crossing will significantly impact traffic flows to the interchange and the freeway. There are more than 230,000 vehicles per day along the freeway at this interchange. Roadway impacts, elevations changes, and right-of-way takings all need to be thoroughly reviewed in conjunction with the interchange being constructed in consultation with Caltrans and the San Mateo County Transportation Authority.

Caltrain plans for electrification must be included in all options of the CHSR project. The project should address how the planned Caltrain improvements will be coordinated with the final design and construction of the CHSR project. Both projects should be studied and developed comprehensively to address and mitigate the cumulative impacts. Additionally, the Union Pacific Railroad (UPRR) Freight service continues along the rail corridor. The project should study, identify and mitigate impacts to freight services and coordinate with UPRR as warranted.

### **12. Coordinate with adjacent communities**

Any alignment in the cities of San Mateo or Millbrae may potentially impact Burlingame. The CHSRA should include the City of Burlingame in the development of options to the north and south of our City limits.

### **13. Encourage public input and outreach**

The City of Burlingame requests that the CHSRA provide a transparent process for public input into the project development, planning, design, engineering and

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## Submission E001 (Ann Keighran, City of Burlingame, June 6, 2016) - Continued

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construction. CHSRA should conduct well-publicized community meetings that allow time for public comment on a regular basis during all phases of study, design, and construction. A dedicated project manager should be assigned to deal with project issues in Burlingame.

### 14. Obtain City review and approvals

CHSRA should obtain necessary approvals for all work within the City jurisdiction/right-of-way. The CHSRA should provide in a timely manner all studies, environmental documents, and preliminary engineering plans, including 30 percent, 60 percent and 90 percent plans, and final design documents to the City for review and approval. Sufficient time should be allowed in the project schedule for City review and comments. No work shall be done in City right-of-way without City approval and an encroachment permit.

Please be advised that the above comments are preliminary, and the City will provide additional comments as more information on the project becomes available. Should you have any questions regarding the comments in this letter, please contact Syed Murtuza, Burlingame Public Works Director at (650) 558-7230.

Sincerely,



Ann Keighran  
Mayor, City of Burlingame

C: City Council  
Lisa K. Goldman, City Manager  
Syed Murtuza, Public Works Director  
Bill Meeker, Community Development Director  
Ben Tripousis, Northern California Regional Director, CHSRA  
Jim Hartnett, CEO, Peninsula Corridor Joint Powers Board, SAMTRANS, and San  
Mateo County Transportation Authority



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## Submission E002 (Rich Cline, City of Menlo Park, June 9, 2016)

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June 9, 2016

### City Council

Mr. Mark McLoughlin, Director of Environmental Services  
Attn: San Francisco to San Jose Section EIR/EIS  
California High-Speed Rail Authority  
100 Paseo de San Antonio  
San Jose CA 95113

**RE: Comments on the San Francisco to San Jose EIR/EIS Notice of Preparation**

Dear Mr. McLoughlin:

I am writing to submit the City of Menlo Park's comments on the Notice of Preparation/Notice of Intent for High Speed Rail (HSR) San Francisco to San Jose Section, Blended System Project.

The City would like to take this opportunity to reiterate its current position on the HSR project. Enclosed is a copy of the City's current Rail Policy. The City supports the "blended system" proposal for the San Francisco and San Jose segment outlined in the Memorandum of Understanding (MOU) between the Metropolitan Transportation Commission (MTC), the Peninsula Corridor Joint Powers Board (Caltrain), the California High-Speed Rail Authority (CHSRA), the San Mateo County Transportation Authority, the Santa Clara Valley Transportation Authority, the Transbay Joint Powers Authority, the City of San Jose, the City and County of San Francisco, and the San Francisco County Transportation Authority as approved by the CHSRA Board in April 2012.

We are opposed to any elimination of California Environmental Quality Act (CEQA) processes for the HSR environmental review process. Given the current anticipated schedule shown in the 2016 Business Plan, environmental clearance for the San Francisco to San Jose segment is shown to be completed in 2017. The schedule should be reviewed, and developed to ensure sufficient time and input from potentially affected stakeholders.

The City is also opposed to the addition of a third passing track along the rail line through Menlo Park. The City requests that the CHSRA alert the City as soon as possible if any passing tracks through Menlo Park are proposed.

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City of Menlo Park 701 Laurel St., Menlo Park, CA 94025 tel 650-330-6600 [www.menlopark.org](http://www.menlopark.org)

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## Submission E002 (Rich Cline, City of Menlo Park, June 9, 2016) - Continued

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The following specific comments are provided on the scope of the EIR/EIS in order to minimize any potential impacts to the community:

### ***Grade Separation***

It is unclear if grade separations will be necessary to mitigate any impacts of the High Speed Rail project. If grade separations are proposed, then a detailed analysis of the potential impacts at each roadway crossing needs to be included. Construction of grade separations on the Caltrain mainline will create impacts due to the constrained nature of the development in Menlo Park. Menlo Park would be willing to consider grade separations at the existing four at-grade crossings (Ravenswood, Oak Grove, Glenwood and Encinal Avenues), but the City would need to maintain full authority to choose the preferred alignment. The City and Caltrain are currently studying grade separation options at Ravenswood Avenue.

### ***Passing Track Alternatives***

The EIR/EIS should include an analysis of the blended system of Caltrain and HSR. As stated earlier, Menlo Park only supports a two track system, therefore, the system should only include two tracks within Menlo Park unless in an underground configuration. The "blended" approach meets the goals of Caltrain and HSR, while minimizing the impacts to Menlo Park's downtown area and to the overall character of the community.

### ***Noise and Vibration***

EIR/EIS needs to include a noise and vibration analysis, and should be conducted within and specific to the City of Menlo Park. The additional noise and vibration caused by the project needs to be clearly stated in understandable measurements and addressed. Any noise and/or vibration impacts need to be mitigated as part of the project. Such measures should be included as integral components of the project. These measures should not create other impacts such as construction of a sound wall that might divide the City and adversely affect the residential character of the community.

### ***Construction Impacts***

The construction of the project would create many impacts within the City of Menlo Park. The construction may cause traffic diversion, construction noise, impediments to local business and resident access, temporary right-of-way easements, etc. The effect of the construction on residents and businesses needs to be clearly analyzed.

### ***Property Impacts***

The EIR/EIS needs to evaluate all options and construction methods to reduce the need for additional right-of-way and property acquisition, both permanent and temporary. The EIR/EIS should also analyze the impacts to any properties that may be affected by the project. The impacts due to the project such as noise, vibration, and aesthetics will have wide reach and affect many properties adjacent to and further from the system. The specific distance should be based on the increased impacts and how far they may reach and could vary based on terrain and the specifics of the area.

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## Submission E002 (Rich Cline, City of Menlo Park, June 9, 2016) - Continued

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### ***Freight***

Menlo Park is concerned about the current and any potential increase in freight traffic using the Caltrain mainline and its impact on residents and traffic in the area. Freight traffic and its impacts on the community should be clearly analyzed and mitigated as part of the EIR. The potential increase in freight is a function of the HSR project due to amenities proposed as part of the projects.

### ***Caltrain Service***

The EIR/EIS should evaluate the impacts to Caltrain service and Caltrain's ability to provide improved service. The project should not reduce the level of service (number, frequency of stops and station accessibility by all modes) provided to local cities by Caltrain.

### ***Transportation Impacts***

The NOP for the project indicates that there will be up to four trains per hour per direction during the peak hour. Including planned Caltrain service, a total of up to 10 trains per hour per direction during the peaks may operate along the rail. The additional trains will cause more gate downtime along the roadways intersection the tracks. The effect of the project on the transportation network needs to be fully analyzed and mitigated. The mitigation should not include the closure of any crossings, as a crossing closure would affect the public's ability to move through the community and create its own significant impacts. All roadways that would be affected by additional traffic delay need to be analyzed including any roadways that may experience additional traffic due to delay and rerouting. The EIR/EIS should also assess the project's potential impact on bicycle and pedestrian access and safety of the existing at-grade crossings, especially with proposed increases in train speed to 110 mph.

### ***Tree Impacts***

The project may have significant tree impacts along the corridor. Care should be taken to avoid as many trees as possible for the project. The EIR/EIS should indicate all trees that will need to be removed, their species, health, size and why the design cannot be modified to allow the tree to remain. If any trees are proposed to be removed, a full replacement schedule should be provided with locations, species, size and number of replacement trees according to the City's Heritage Tree Ordinance requirements.

### ***San Francisquito Creek***

The current rail system crosses the San Francisquito Creek at the Menlo Park border with Palo Alto. Potential impacts to the creek's flow capacity or stability of its banks should be evaluated.

### ***Grade of the Track***

The analysis should evaluate the potential for use of a steeper slope on the tracks instead of a 1 percent grade limitation. The increased slope may reduce the number of impacts and allow opportunities for other options to be analyzed.

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## Submission E002 (Rich Cline, City of Menlo Park, June 9, 2016) - Continued

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### ***Historic Structures***

The City of Menlo Park Caltrain station has been listed on the National Register of Historic Places since 1974. The impacts to the existing train station need to be analyzed in the EIR/EIS. The EIR/EIS should clearly analyze the impacts to this structure along with any other historic structures that may be impacted by the project and provide mitigation measures to address any impacts.

### ***Ridership Estimates***

Ridership is the foundation for rail infrastructure planning which drives key decisions and system costs. It is critically important for determining the appropriate level of service for the system and the overall revenue associated with the system. The EIR/EIS should include new information regarding ridership along the corridor including HSR.

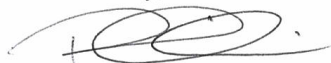
### ***Non-CEQA Issues: Economic & Financial Impacts***

The CHSRA should evaluate the economic impacts caused to any businesses that may be disrupted during construction and ongoing operations of higher train volumes. This analysis should be performed for each alternative factored into the evaluation process. The analysis should include temporary construction impacts as well as long term permanent impacts. Many businesses cannot remain closed for extended periods and be viable. The effect on the businesses could create an economic impact on the City that needs to be clearly addressed. The CHSRA should also analyze the impact to real property values near the rail due to more frequent rail traffic and increased noise, vibration, and visual impacts.

The City appreciates the opportunity to provide input on the scope of the EIR/EIS and looks forward to continue to participate in the environmental review process to review any impacts and proposed mitigation measures within Menlo Park. The City expects these issues to be resolved and further information provided to allow the City of Menlo Park to make an informed opinion of the project.

If you have any questions, please contact Nikki Nagaya, Transportation Manager, at 650-330-6781 or [nhnagaya@menlopark.org](mailto:nhnagaya@menlopark.org).

Sincerely,



Rich Cline  
Mayor

Enclosure: [Menlo Park Rail Policy](#)

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## Submission E002 (Rich Cline, City of Menlo Park, June 9, 2016) - Continued

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**City of Menlo Park  
City Council Rail Subcommittee  
Mission Statement**

The City Council Rail Subcommittee will advocate for ways to reduce the negative impacts and enhance the benefits of Rail in Menlo Park. The Subcommittee will ensure all voices are heard and that thoughtful ideas are generated and alternatives vetted. It will collaborate with other local and regional jurisdictions in support of regional consensus of matters of common interest related to Rail. Additionally, the subcommittee will support City Council planning efforts and decision making on Rail-related issues with information, research and other expertise.



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## Submission E002 (Rich Cline, City of Menlo Park, June 9, 2016) - Continued

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### City of Menlo Park Statement of Principles for Rail

The City of Menlo Park City Council Rail Subcommittee works to protect and enhance the character of Menlo Park and the community's economic vitality while supporting the conditions needed to maximize the local benefits and the long-term potential of rail.

- The character of Menlo Park includes:
  - Our connected, walkable, bikeable, safe and accessible neighborhoods, parks, commercial areas and civic center
  - Our vision and specific plan for the downtown and El Camino Real including improved east-west mobility for all modes of travel
- The community's economic vitality includes:
  - The continued success of our small and large businesses
  - The maintenance of our property values
  - Rail agencies responsibly mitigating impacts of rail, including but not limited to, HSR, Caltrain, and freight
- The conditions needed to maximize the long-term potential of the City's rail corridor include:
  - Improvements to east/west connectivity; rail unifies rather than divides
  - Improvements to local transit
  - The negative physical and social impacts of rail are minimized and the positive impacts are enhanced by using context sensitive design solutions
  - Consider all reasonable alternatives including those discussed previously by Menlo Park

Implied "decision criteria" from these principles might include:

- Does the alternative protect or enhance connectivity to additional modes of travel/ accessibility to city locations?
- Does the alternative protect or enhance walk-ability?
- Does the alternative protect or enhance bike-ability?
- Does the alternative protect or enhance the economic vitality of businesses?
- Does the alternative protect or enhance property values?
- Does the alternative align with/support the El Camino Real/ Downtown Specific Plan?
- Does the alternative protect or enhance local transit opportunities?
- Does the alternative enhance the level of transit service?

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## Submission E002 (Rich Cline, City of Menlo Park, June 9, 2016) - Continued

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### **City of Menlo Park Council Position Summary**

The following bullet points clarify the Council's position on high speed rail on the Caltrain corridor through Menlo Park.

- The City opposes any elimination of any part of CEQA for the High Speed Rail Project environmental process.
- The high speed rail within Menlo Park should be either in a two-track envelope system, and stay within the existing Caltrain right-of-way (with very minor exceptions, and in very limited locations)
- No Environmental Impact Report should go forward which increases it beyond two tracks in Menlo Park
- City is interested in positive train control and alternative propulsion systems as an early investment project to increase regional mobility and local train service. We are in favor of positive train control and electrification, provided they increase train service at or beyond 2005 levels at the Menlo Park Caltrain Station.
- The City approves of a blended system but opposes passing tracks located in Menlo Park
- The City is interested in quiet zones for the rail corridor in Menlo Park
- Our strategy is to work cooperatively with the blended system planning efforts while preventing an at-grade or elevated 4 track system through Menlo Park.

## Submission E003 (Patrick Burt, City of Palo Alto, June 7, 2016)



PLANNING & COMMUNITY ENVIRONMENT  
250 Hamilton Avenue, 5th Floor  
Palo Alto, CA 94301



Mark A. McLoughlin  
Director of Environmental Services  
ATTN: San Francisco to San Jose Section EIR/EIS  
California High Speed Rail Authority  
100 Paseo de San Antonio  
San Jose, CA 95113

182 ENC-UMP 95113

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Submission E003 (Patrick Burt, City of Palo Alto, June 7, 2016) - Continued

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RECD 6/8/16

City of Palo Alto

*Office of the Mayor and City Council*

June 7, 2016

Mark A. McLoughlin  
Director of Environmental Services  
ATTN: San Francisco to San Jose Section EIR/EIS  
California High Speed Rail Authority  
100 Paseo de San Antonio  
San Jose, CA 95113

Ms. Stephanie Perez  
Environmental Protection Specialist  
Office of Program Delivery  
Federal Rail Administration  
1200 New Jersey Avenue SE  
Washington, D.C. 20590

RE: San Francisco to San Jose Section EIR/EIS – Response to NOI/NOP

Dear Mr. McLoughlin & Ms. Perez:

Thank you for the opportunity to comment on the scope of the California High Speed Rail Authority's environmental analysis of the San Francisco to San Jose Section pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA).

The City of Palo Alto has been an active participant in planning for the rail corridor that bisects this community for many years, and would like to offer the comments included in this letter to the California High Speed Rail Authority (CHSRA) and its partners at the Federal Railroad Administration (FRA). Please use these comments to inform your environmental review process and consider the suggested modifications to your overall planning process/schedule, particularly as it relates to community engagement.

The Planning Process

1. We would like to request that the comment period for responding to the Notice of Intent/Notice of Preparation (NOI/NOP) be extended by 30 days to permit other agencies, organizations, and members of our community ample time to provide their input.
2. We would like to request that the NOI/NOP be re-issued for additional comments once basic parameters of the alternatives and the possible locations of critical project features are better known. For example, the NOI/NOP does not identify the locations of passing tracks or the planned maintenance facility, and does not specify which grade crossings will be separated as part of the project, and which will simply receive quad gates. These parameters should be worked out with the affected local agencies in advance of issuing a supplemental NOI/NOP.
3. As indicated in correspondence earlier this year, the City believes that the CHSRA's objective of completing the environmental clearance work for the CHSRA's SF to SJ project segment by the end of 2017 will result in a process that is unnecessarily rushed, and that does not allow adequate time for a community engagement process regarding project design and implementation. Please see the City's letter of January 25, 2016, which is attached, and consider revising the planning process/schedule to permit additional community engagement. We have not received a response to this letter.

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## Submission E003 (Patrick Burt, City of Palo Alto, June 7, 2016) - Continued

Also, recent events call into question the CHSRA's stated rationale for proceeding with the San Francisco to San Jose segment, which was to secure third party funding. We understand that third party investors and cap and trade funding have failed to materialize as anticipated by CHSRA and again question whether a more inclusive community engagement process and a more realistic schedule should be adopted.

4. As we indicated in our earlier letter, the City believes that the Context Sensitive Solutions (CSS) process or an equivalent stakeholder process should be undertaken immediately. This kind of community engagement effort has been shown to result in a better suite of project alternatives, to better recognize competing interests, and ultimately to result in better projects, that are less likely to be subject to delays due to legal challenges.
5. We understand from a May 25, 2016 presentation by Mr. Tripousis to our City Council's Rail Committee that the CHSRA is considering establishment of "working groups" to help shape a preferred alternative while the Draft EIS/EIR is being prepared. The membership and purview of these working groups should be clearly specified so that the City may understand how it can participate and provide input.

We recommend regional topics be addressed by all of the working groups, that web conferencing be provided as an option for participants, and that the meetings be facilitated by a third party, with HSR participating as stakeholders rather than facilitators. All local agencies and transit/transportation agencies should be include as participants.

The CHSRA's overall outreach and communication process should be structured to ensure that operational assumptions integral to the system and the identification of CHSRA preferences are not made without community awareness and input.

6. We question whether the CHSRA and the FRA should identify a Preferred Alternative before a Draft EIS/EIR is circulated for agency and public review. We understand that a NEPA analysis requires all alternatives to be considered at an equal level of detail, and we are concerned that stating a "preference" in advance of the Draft EIS/EIR may give one alternative higher standing or more emphasis than the others. Also, reserving a decision about which alternative is preferred until after the comment period on the Draft EIS/EIR will allow comments on the draft to inform that decision.
7. We understand the desire to "tier" from the Statewide Program EIS/EIR and from the Bay Area to Central Valley HR Program EIS/EIR, however the NOI/NOP is unclear what this means for the upcoming analysis. We would appreciate clarification as to what information or analysis from the earlier environmental documents will be relied upon.
8. We understand that the Metropolitan Transportation Commission (MTC) has been approached to fund a high level study of all 42 grade crossings along the Caltrain corridor, identifying issues and opportunities associated with grade separations and a framework for advancing them in advance of HSR. We applaud the goal of regional collaboration based on a scope of work developed in conjunction with the Local Policy Maker Group (LPMG), and initiation of a study that will proceed with their oversight. The nine-party MOU signed in 2012 anticipated early investments in "selected" grade separations and engaging local agencies in a strategy for funding and sequencing grade separations at all 42 grade crossings is long overdue. The EIS/EIR should assess the cost and time needed to complete these grade separations, as well as the resulting impacts and benefits.

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## Submission E003 (Patrick Burt, City of Palo Alto, June 7, 2016) - Continued

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### The Alternatives Description

9. The proposed project is not sufficiently defined to allow meaningful comments on the scope of the environmental document. For example, the NOP does not identify the location of passing tracks or the planned maintenance facility in the project alternatives. Local agencies are thus prevented from commenting on site specific analyses that would be required if these facilities were located within their borders.
10. The CHSRA should include grade separations as an essential part of the project description to be evaluated pursuant to NEPA and CEQA. Failure to include grade separations as an element of the project would not only result in more significant impacts to be mitigated by CHSRA and other agencies, but would also effectively segment the cumulative effects of high speed rail operation and subsequent localized construction projects necessary for the CHSRA project to safely and effectively operate.

Within Palo Alto, the alternatives should include and the EIS/EIR should analyze grade separations at all of the rail crossings in Palo Alto: Charleston, Meadow, Churchill and Palo Alto Avenue/Alma. Please include the 2% trench option for Charleston and Meadow developed for the City by Hatch Mott Macdonald (HMA). This approach is detailed in a HMA memo available at <http://www.cityofpaloalto.org/civicax/filebank/documents/44297>. (Please contact City staff for the accompanying concept drawings.) The EIR/EIS analysis should also consider any necessary accommodations or changes by freight operators to permit the 2% grade option suggested by HMA.

11. Please consider the impacts of freight on the corridor and consider alternatives with a modified or no freight option. These options should be considered in conjunction with the grade separation options described above.
12. Please assess and disclose the impact on Caltrain and HSR schedule quality, travel time, and reliability with and without level boarding at all Caltrain stops (not only HSR stations). We are concerned that lack of level boarding at Caltrain stations will cause delays at those stations that will in turn affect both Caltrain and HSR service.
13. The City is not supportive of adding passing tracks within Palo Alto, and does not see how this could occur without significant right of way (and cost) implications as well as impacts that would be unacceptable to our community. Please disclose physical right of way, cost, and visual impacts of passing track options.
14. Please also disclose the impacts of various passing track options on Caltrain service quality and reliability. We are concerned that some passing track options will result in bunching of trains. The service quality evaluation should include an assessment of the ability to offer "clockface" type service at regular intervals.
15. The No Project alternative should assess the benefits of expanded Caltrain service that will be possible in the corridor after electrification if HSR did not proceed. We expect that more vehicle trips would be eliminated and transit ridership would increase if Caltrain was able to use the additional capacity created by their system modernization, rather than sharing that capacity with HSR.

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## Submission E003 (Patrick Burt, City of Palo Alto, June 7, 2016) - Continued

16. An alternatives analysis under CEQA should include consideration of an off-site alternative. The CHSRA has clearly reconsidered the original sequencing of project segments, and in an off-site alternative, it could similarly reconsider the decision to access San Francisco by using the Caltrain alignment. A reasonable alternative could include using an East Bay alignment with a connection to BART.
17. Please include the Downtown Extension to the Transbay Terminal as an alternative or in a detailed cumulative impacts analysis. The HSR EIS/EIR should disclose the environmental outcomes of this option with respect to ridership, VMT, and GHG, including displaced air travel. Impacts on Caltrain ridership and capacity should also be disclosed, and mitigation should be provided.
18. Please include the approach to Diridon Station in this EIS/EIR, including the potential impacts of alternatives on Caltrain service as well as other passenger services utilizing the segment (ACE, Capital Corridor). Any impacts identified should be fully mitigated.
19. For safety improvements at grade crossings remaining after HSR implementation, please consider automated intrusion detection technology to detect barriers on tracks and automated enforcement to enforce vehicle code prohibition against stopping on tracks.

### Environmental Impacts & Mitigation

20. Please see the May 16, 2016 correspondence from the City's transportation staff to Mr. Tripousis for a list of intersections we believe should be included in the CHSRA's analysis. Please also note that intersection and grade crossing evaluations should account for and fully consider pedestrian and bicycle safety and convenience. The existing at-grade crossings function as designated active transportation school commute corridors and principle linkages in the Citywide bicycle transportation network.
21. The City of Palo Alto's Comprehensive Plan (its general plan) is currently being updated and is expected to include policies to ensure acceptable Levels of Service (LOS) at signalized intersections throughout the City. The EIS/EIR should provide a quantitative analysis of intersection LOS at affected intersections in Palo Alto, as well as an analysis of pedestrian and bicycle impacts with and without grade separations.
22. The City's ongoing Comprehensive Plan Update will also consider elimination of Program T-39, which restricts the addition of traffic signals on Alma Street. Please do not consider the current program a constraint when evaluating impacts and necessary mitigation.
23. Palo Alto's current Comprehensive Plan contains policies that are not generally supportive of road widening and if mitigation measures are needed to address delay/congestion at intersections, please consider signal timing, signal location, and barrier design, and improvements to multi-modal transportation to address the impacts before suggesting road widening.
24. Please provide a robust analysis of potential noise increases associated with the project alternatives, including noise associated with trains, train horns, quad gate operations, station announcements, and increased traffic congestion at grade crossings. Establishment of quiet zones should be included

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650.329.2571  
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## Submission E003 (Patrick Burt, City of Palo Alto, June 7, 2016) - Continued

as mitigation.

The City recognizes that the rail corridor is in active use today, but expects an analysis that clearly demonstrates the additional volume and duration of noise generating activities within the corridor with the advent of HSR. The analysis should assess compliance with the City's noise compatibility guidelines and related policies in addition to using the FTA's methodology and thresholds. The City's guidelines and relevant policies can be found in the Natural Environment Element of the City's Comprehensive Plan (Policy N-39 through N-43).

25. Please provide specific information about all right of way requirements for construction and operation of the proposed alternatives, including grade separations implemented as part of the project or as part of subsequent projects necessitated to address safety and congestion impacts of the project. The NEPA analysis should include an estimated value of right of way acquisitions and estimate property tax impacts from direct and indirect property takings for the life of the project.
26. Please provide a cumulative impact analysis that considers Caltrain modernization, HSR options, and grade separating all 42 crossings in this segment of the project. If grade separations happen concurrent with Caltrain modernization and/or HSR, their construction will likely impact the schedule for project delivery. However, if grade separations happen *after* Caltrain modernization and/or HSR, their construction will impact planned rail service. Either way, the cumulative construction impacts on affected communities should be fully evaluated.
27. Palo Alto is a community rich in historic and cultural resources and both the EIS/EIR and the associated Section 4(f) analysis must identify those likely to be impacted by construction and operation of the proposed alternatives. Please be sure to include impacts on residential properties and districts (neighborhoods) adjacent to the rail corridor from changes in their setting associated with the removal of vegetative screening and the addition of high speed trains. Also consider potential impacts on station-area resources, the City's urban tree canopy and individual heritage trees, including but not limited to El Palo Alto, the City's namesake Redwood Tree and California Historical Landmark Number 2 (Portola Journey's End).

In recognition of our community's rich cultural heritage, Palo Alto requests participation in the Section 106 process as a consulting party under 36 CFR part 800.

28. The analysis of aesthetic impacts and biological resources should also consider impacts to the City's urban tree canopy, as well as the loss of other vegetation along the rail corridor. The potential loss of visual screening, important landscape features, bird habitat, and sequestered carbon should be fully assessed.
29. Please also assess potential growth inducing impacts of the project, including the potential for distant housing and job growth as long commutes become easier. Please also assess the extent to which there will be additional demand for parking, transit, and paratransit (including rideshare services) at HSR stops throughout the system once the San Francisco to San Jose segment is completed.

The City of Palo Alto has a long-standing relationship with Citizens for Responsible Rail Design and the Friends of Caltrain. While the short timeframe for submitting comments to the NOI/NOP did not allow for adequate coordination of the City's letter and incorporation of input from these community

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## Submission E003 (Patrick Burt, City of Palo Alto, June 7, 2016) - Continued

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organizations, we support their analytical and methodical identification of key issues. As such, we incorporate by reference comments submitted by CARRD and Friends of CalTrain. We request that their comments be considered a part of the City of Palo Alto's comments on the necessary scope of your environmental analysis.

Once again, thank you for the opportunity to provide these comments. The City is in the process of hiring a rail program manager who will be the City's primary point of contact for the EIS/EIR and this project. Until that person/firm is retained, please use the following contact for all correspondence:

Hillary Gitelman, Director of Planning & Community Environment  
City of Palo Alto  
250 Hamilton Ave  
Palo Alto, CA 94301  
[Hillary.gitelman@cityofpaloalto.org](mailto:Hillary.gitelman@cityofpaloalto.org)

If you have any questions or comments, please contact Palo Alto City Manager James Keene at (650) 329-2563 or by email at [james.keene@cityofpaloalto.org](mailto:james.keene@cityofpaloalto.org).

Sincerely,



Patrick Burt  
Mayor, City of Palo Alto

cc: Palo Alto City Council  
Palo Alto City Manager  
Congresswoman Anna Eshoo  
Senator Jerry Hill  
Assemblymember Rich Gordon

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## **Appendix A.5**

### **Comments from Businesses and Organizations**

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## Submission B001 (Richard Tolmach, California Rail Foundation (CRF), June 10, 2016)

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### California Rail Foundation



1730 13th Street  
Sacramento, CA 95811  
(916) 443-1529  
rft@calrailfoundation.org

June 10, 2016  
Via E-mail

Mark McLoughlin  
Director of Environmental Services  
California High-Speed Rail Authority  
770 L Street, Suite 1160  
Sacramento, CA 95814

Re: San Francisco-San Jose EIS/EIR Scoping Comments

Dear Mr. McLoughlin:

The California Rail Foundation has identified an impact area that has not had adequate study. In addition, we propose that an alternative to be studied, both as a potential mitigation for the impact we identify, as well as a standalone alternative, to evaluate its feasibility to reduce the impacts of bringing high-speed rail to the corridor.

#### Construction Impacts of Grade Separations

The California Rail Foundation does not believe enough attention has been given to the sequencing of electrification and the construction of grade separations. Once Caltrain is operating as an electrified railroad, the difficulty of constructing grade separations increases exponentially. Shoo-fly tracks require shoo-fly electrification. Poles are suddenly in the way. The circuit energizing and de-energizing needed for catenary construction has to be carefully staged so as to not strand any in-service trains. Far more care is needed for construction adjacent to high-voltage lines, when using cranes and other tall equipment.

Recognizing that the environmental baseline will include an electrified line, we request you study the impacts on circulation of not proceeding with grade separations. We are especially interested in having the EIR identify whether the presence of live catenaries affects the decision to proceed or not proceed with grade separations as mitigations of the traffic impacts of more gate-down events per hour. Please identify whether the additional costs of working on an electrified line played a role in deciding whether or not to commit to proceeding with grade separations.

If the EIR determines that the cost of building grade separations on a working electrified railroad is at least partly responsible for making them infeasible, the obvious mitigation for the resulting traffic impacts would be for CHSRA to influence Caltrain to construct the grade separations prior to electrification. Even though the PCEP is formally underway, CHSRA's significant financial contribution to electrification can be utilized to influence Caltrain to modify its plans. To make

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## Submission B001 (Richard Tolmach, California Rail Foundation (CRF), June 10, 2016) - Continued

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this mitigation work within the proposed Blended System project schedule, as well as within Caltrain's plans, CRF proposes the following Build Alternative:

### Energy Storage Alternative

This Alternative modifies the specification for the high-speed rail trainset to include ultracapacitors for energy storage and the ability to utilize catenary power at 1.5 kVDC. These features would enable the trainsets to operate on a corridor whose electrification has been carefully tailored to reduce project risk, environmental impacts and cost.

Context: A series of risk factors threaten the viability of electrification. The cost of the Caltrain Electrification Project now exceeds available funding. Because the project must be fully completed before it can be used, partial funding is not an option. The Union Pacific Railroad has not signed off on the project, because of its insistence that clearances be preserved for double-stack containers. With auto importation starting up at Islais Creek in San Francisco, this concern has only grown. UP successfully blocked the 25 kVA CPUC rule from being applicable to the Caltrain Corridor, so there is no approved specification. In addition, CEQA litigation is pending. Any of these factors could, in the worst case, prevent the electrification project from proceeding. Without electrification, a Blended System is infeasible. This Alternative is thus, at a minimum, a fallback plan.

This Alternative utilizes 1.5 kVDC, a common standard in suburban railways. The regulatory structure is well-settled, so selecting this standard eliminates all regulatory risk.

CRF believes the other risks can be overcome with a new approach to electrification. In Europe, ultracapacitors have opened up previously unimaginable flexibility in powering trains. The necessity of continuous catenary is a thing of the past. Catenary can be designed to skip areas that would otherwise require extensive tree removal or other visual impacts. As far as HSR is concerned, this is then a classic engineering optimization, weighing the cost of catenary installation against the marginal cost of additional storage, to determine the optimal amount of storage. Of course, the weight and volume of the storage are important constraints in vehicle design. This could produce far larger savings when applied to other sections of the HSR network, as well. While we recognize that ultracapacitors have not yet been used in an HSR application, they certainly are in use in other rail modes. The specification change we propose is thus innovative without being untested.

### Additional Suggestion

Because the Caltrain Electrification FEIR is being challenged, it would be good practice to incorporate the FEIR by reference. If its approval should be rescinded by order of the Court, the Blended System, including electrification, could then still be approved as an environmentally cleared project. We hope the analysis we did will be useful to CHSRA. Please contact us if you have questions, or for further details of our proposals.

Sincerely,



Richard Tolmach  
President, CRF

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## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016)

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**Response Requested :**

**Affiliation Type :** Businesses and Organizations

**Interest As :** Businesses And Organizations

**Submission Method :** Project Email

**First Name :** Elizabeth

**Last Name :** Goldstein Alexis

**Business/Organization :** Californians Advocating Responsible Rail Design (CARRD)

**Email :** elizabeth@calhsr.com

**Stakeholder**

**Comments/Issues :** [-]----- Forwarded message -----  
From: "Elizabeth Goldstein Alexis" <elizabeth@calhsr.com>  
Date: Jun 10, 2016 10:21 PM  
Subject: sanfrancisco\_sanjose@hsr.ca.gov  
To: <sanfrancisco\_sanjose@hsr.ca.gov>  
Cc: "CARRD" <info@calhsr.com>

Please accept these scoping comments for the San Francisco-San Jose High Speed Rail project.

1) \*Project definition\* should include any proposed operating agreements between the California High Speed Rail Authority and Caltrain.

Projects include any action by governments that can impact the environment.

While typically these are construction projects, they can also include policies and other types of actions. In this case, any agreement that would potentially limit Caltrain's ability to increase capacity to meet potential demand for local and regional rail or that would have a detrimental effect on the types of service Caltrain can offer could clearly impact the environment by causing additional congestion.

Caltrain is a critical backbone for transit operations. In order to accommodate Baby Bullet express trains, the entire schedule is very irregular. One key goal of electrification and modernization is to allow clock-face timetabling, to enable effective and efficient connecting transit. The initial sample schedules for a blended system showed significant degradation of Caltrain service when even 2 high speed rail trains per hour were running. The Caltrain operations were so bunched that it was almost like having 2 trains an hour. For stations like Palo Alto, the gap between trains would be even wider than today.

High speed rail service should include sufficient infrastructure improvements to allow clockface scheduling for Caltrain, along with some type of service other than local.

2) \*Grade separations \*



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## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

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We understand that grade separations are no longer considered to be an integral part of the San Francisco-San Jose project. This is concerning and seems short-sighted.

The different average (not maximum) speeds at which Caltrain and high speed will operate mean that schedules will need to be very carefully calibrated to avoid additional delays to high speed rail travel times, which will already be impacted. Large construction projects on the corridor, like grade separations, could have a serious impact on high speed rail's service. In addition, the heavy corridor use will significantly limit work windows and raise costs for construction of the grade separations - costs that high speed rail would not necessarily be sharing.

It is imperative that this project include a long term plan for all grade separations - even those that high speed rail themselves will not construct. Such an analysis should include more than just a standard "LOS" evaluation like previously used. A set of regionally agreed upon criteria should be developed. These should include both motorized and non-motorized types of transportation. Roads like Charleston in Palo Alto are heavily used by students biking to school. Significant delays in being able to cross the train tracks are a problem for mobility, but also increase risks to pedestrians and bicyclists as drivers become impatient.

3) \*Include alternatives that lower grade separation costs and impacts by increasing allowed gradient and lower required clearance levels.\*

The current cost of grade separations is astronomical. The causes are many - complicated intersections, limited work windows, over-specification. There is one factor that could be addressed and dramatically reduce the cost of certain grade separations.

Currently, Caltrain specifies a maximum 1% gradient because of the handful of freight trains using the corridor. [[http://www.caltrain.com/Assets/Peninsula+Rail+Program/CSS1\\_002\\_Systemwide\\_20100316.pdf.pdf](http://www.caltrain.com/Assets/Peninsula+Rail+Program/CSS1_002_Systemwide_20100316.pdf.pdf)]. Diesel passenger trains could handle 2% gradients and electrified trains like those Caltrain and high speed rail will use can handle even steeper gradients.

An illustration from the same document shows the impact this requirement has on the length of grade separations. Palo Alto's grade separation

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## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

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studied showed that a 1% gradient requirement doubled the cost of a grade separation.

[image: Inline image 1]

In addition, grade separations throughout the peninsula are being built with a required 24 ft 6 inch clearance level for structures.[Source: [http://www.caltrain.com/assets/\\_engineering/engineering-standards-2/Drawings/2000s/CLEARANCE.pdf](http://www.caltrain.com/assets/_engineering/engineering-standards-2/Drawings/2000s/CLEARANCE.pdf)] This is significantly higher than required for any train currently using the corridor. The tunnels in San Francisco have a much lower clearance level and will be a limiting factor on any trains traveling to San Francisco. It is conceivable that a clearance level 7 feet lower than currently required would work, especially if rails instead of catenary were used in structures. At the current 1% grade requirement, the 7 feet in clearance means an extra 700 foot approach in each direction for a grade separation.

If both higher gradients and lower clearance levels were used, the savings on grade separations could be billions of dollars. The grade separations would require less concrete and steel and be cheaper to maintain. They would also take less time to construct and be lower impact.

The project should consider alternatives that permit higher gradient/lower clearance grade separations while mitigating impacts to freight companies. One idea is to repair the Dumbarton rail bridge for freight usage. Another possibility is to help the freight rail users make their operations compatible with these new requirements. We have attached an article [source: <http://caltrain-hsr.blogspot.com/2009/08/effect-of-heavy-freight.html>] that discusses the ways in which this is done in Europe, along with other maintenance benefits from avoiding heavy rolling stock on the tracks.

--

Elizabeth Goldstein Alexis  
Co-founder Californians Advocating Responsible Rail Design (CARRD)  
cell (650) 996-8018  
[www.calhsr.com](http://www.calhsr.com)

## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016)



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### Caltrain HSR Compatibility Blog

The passage of California Proposition 1A (2008) set in motion a complete reconstruction of the railroad between San Jose and San Francisco. This blog exists to discuss compatibility between HSR and Caltrain, integration issues, and the impact on adjoining communities.

09 August 2009

#### The Effect Of Heavy Freight

Heavy freight trains [operate nightly](#) on the Caltrain corridor. "Heavy freight" is characterized by very high axle loads (up to 30,000 kg or 65,000 lb) and very high mass per unit length (up to 7,500 kg/m or 5,000 lb/ft). Today, they are not much of a nuisance and few people notice them, but what will happen when the high speed rail project is built on the peninsula? HSR will bring a lot of changes, but some of them will be attributable to freight more than high speed rail. This is an attempt to tease out the specific community impacts of heavy freight trains.



Photo by  
Thomas Norton  
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The Caltrain corridor has more than 40 grade crossings, every one of which will be eliminated. Grade crossings can be eliminated either by closing them permanently, or by building a grade separation overpass or underpass, similar to the many grade separations that already dot the corridor. Usually, the easiest way to build a grade separation is to keep the railroad tracks at ground level and detour the road over or under the tracks. In some cases, though, detouring the road is not practical because of nearby residential or business frontage, or major roads and intersections.

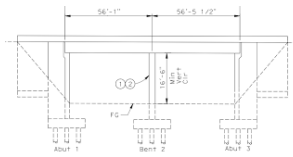
Those situations are where the railroad tracks *must* be elevated above or sunk below ground level. Those situations are causing quite a [controversy](#) in the communities along the Caltrain corridor, because the HSR project's preference is for cheaper elevated structures.

#### Getting Trains to Climb

You might think that 125 mph (200 km/h) passenger trains would need very gentle grades and a vertical track profile that is as flat as possible--but you'd be wrong! What determines train safety and comfort is *vertical curve radius* (at that speed, a minimum of 6 miles or 10 km), and not the steepness of the grade. Powerful high speed passenger trains and modern [EMU commuter trains](#) planned by Caltrain can easily climb grades that are *very steep* by railroad standards, like a whopping 3% (i.e. 3 feet up for every 100 feet along the track). It's the heavy freight trains that have difficulty with those grades, because freight locomotives will start spinning their wheels if they attempt to drag a massive train up such a steep incline. That's why heavy freight trains are typically limited to grades of about 1% (i.e. 1 foot up for every 100 feet along the track). Grades any steeper than that require additional locomotives, shorter trains, and cost more to operate.

#### Grade Separation: Rail Overpass

When a grade separation is built over a road that cannot be lowered, the railroad tracks must be raised about 20 feet above the level of the road. That includes the clearance for road vehicles, plus the thickness of the bridge deck, plus the height of the rails, as shown in the diagram at right. (Trains go on the top, cars and trucks on the bottom.)



To get the rails up to that height, long sloping approaches are needed on either side of the crossing, forming an elongated hump. If you were to stand close enough to such a hump structure, you would see a retaining wall.

#### Corridor To Do List

- [Start with a good timetable](#)
- [Keep slow traffic in the middle](#)
- [Don't short-change Caltrain service](#)
- [Use a common platform height](#)
- [Convert to level boarding](#)
- [No elephantine stations](#)
- [Straighten some curves](#)
- [Banish heavy freight trains](#)
- [Avoid tunnels](#)
- [Buy extra-wide trains](#)
- [Use off-the-shelf train control](#)
- [Use poles, not headspans](#)

#### Focus On...

- [San Francisco Transbay](#)
- [Mission Bay Grade Seps](#)
- [Brisbane](#)
- [San Bruno](#)
- [Millbrae](#)
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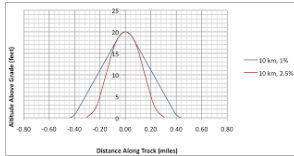
 

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[Reality Check wrote:](#)  
Trying this again. Here's the presentation showing the three passing track...  
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Here's the presentation showing the three passing track configurations to...  
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## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued



What will heavy freight trains do to the design of a typical grade separation rail overpass? They make the approach ramps much longer and greatly increase the area of the retaining wall that neighbors would have in their back yard, as shown in the figure at left, with the vertical scale greatly exaggerated. Walls block sight lines, are themselves ugly to look at, reduce property values, and can attract graffiti and

neighborhood blight.

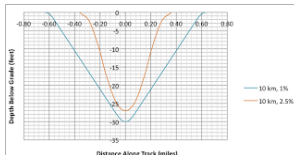
Compare and contrast a typical 1% rail overpass with a 2.5% rail overpass:

Parameter	1% Grade	2.5% Grade	Freight Effect
<b>Minimum Vertical Radius</b>	10 km (6 mi)	10 km (6 mi)	0% tighter
<b>Height</b>	6.1 m (20 ft)	6.1 m (20 ft)	0% higher
<b>Length of Wall &gt; .3 m (1 ft) High</b>	1250 m (4100 ft)	870 m (2800 ft)	44% longer
<b>Length of Wall &gt; 2.4 m (8 ft) High</b>	840 m (2750 ft)	550 m (1800 ft)	53% longer
<b>Wall Area</b>	4200 m <sup>2</sup> (45,000 sq ft)	3000 m <sup>2</sup> (32,000 sq ft)	40% larger
<b>Fill Volume (75 ft Width)</b>	125,000 cubic yards (12,500 truckloads)	90,000 cubic yards (9,000 truckloads)	40% larger

Exact values may vary, but the relative percentages will be very close. Smaller walls mean lessened community impact, but heavy freight trains make the walls significantly bigger.

### Grade Separation: Rail Underpasses

The other possible option is to sink the rails under the road. When a grade separation is built under a road that cannot be raised, the railroad tracks must be sunk over 30 feet below the level of the road. That includes clearance for trains, high voltage overhead electrification, and the bridge deck. The resulting trench must be dug even deeper than rail level to account for the foundation of the structure.



Once again, to get the rails down into a trench, long sloping approaches are needed on either side of the crossing, forming an elongated sagging profile. Adding a twist, heavy freight trains can be up to three feet taller than regular trains, which requires digging the trench three feet deeper than would otherwise be needed, as shown in the figure at left. On a structure that's 75 feet wide and well over a mile long, that

adds up to a *lot* of extra dirt to remove.

Compare and contrast a typical 1% rail trench underpass with a 2.5% trench underpass:

Parameter	1% Grade	2.5% Grade	Freight Effect
<b>Minimum Vertical Radius</b>	10 km (6 mi)	10 km (6 mi)	0% tighter
<b>Depth of Trench</b>	9.8 m (32 ft)	8.8 m (29 ft)	10% deeper
<b>Length of Trench &gt; .3 m (1 ft) Deep</b>	1850 m (6100 ft)	1000 m (3400 ft)	80% longer
<b>Trench Wall Area</b>	9300 m <sup>2</sup> (100,000 sq ft)	4600 m <sup>2</sup> (50,000 sq ft)	100% larger
<b>Excavated Volume (75 ft Width)</b>	280,000 cubic yards (28,000 truckloads)	140,000 cubic yards (14,000 truckloads)	100% larger

Exact values may vary, but the relative percentages will again be very close.

### Reality Check wrote:

Interesting news: at this week's SF-SJ EIR scoping meeting in Mountain...

[Continue >>](#)

### Adina wrote:

Regarding Caltrain's priority for level boarding, I asked a staff member. ...

[Continue >>](#)

### Reality Check wrote:

Los Banos-area farmers seek voice in High-Speed Rail Project "Although the...

[Continue >>](#)

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### Reference Desk

[Caltrain Right-Of-Way Maps](#)  
[Service Pattern Generator](#)  
[Corridor Width Overview](#)

## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

Heavy freight trains *double* the amount of excavation needed for a railroad trench underpass. That may be fine with neighbors because the trains would stay even more out of sight, but since a trench is more expensive, an elevated solution will be preferred. That's right: where a wall might not have been required, heavy freight trains could tilt the balance in favor of an elevated wall. The Churchill Avenue crossing in [Palo Alto](#) is a great example where this trade-off may occur to the detriment of the neighborhood.

### Rise and Fall

Heavy and long freight trains perform poorly on a track profile that rises and falls across each road crossing like a roller-coaster. Such undulating profiles complicate [train handling](#) and can cause hazardous [slack action](#). That's why the grade separations in Belmont and [San Carlos](#) are built on a continuous elevated embankment that stretches for several miles, simplifying the handling of trains using the primitive manually operated air brake.

In contrast, modern, powerful electric passenger trains with advanced automatic train control systems can glide over these ups and downs without causing their passengers any discomfort. In the manner of an airplane's autopilot, the train's control software automatically adjusts throttle and braking in concert with the vertical profile of the track, which is stored in an on-board database. This capability allows considerably more rise and fall in the vertical profile, which minimizes the extent of elevated structures and thus lessens impact on communities.

Heavy freight trains tolerate very little rise and fall and will increase the impact of elevated grade separations because the stretches *between* grade separations may stay elevated.

### Bridge Columns

On sections of track elevated over roads, or open viaducts to allow community access to both sides of the tracks, trains run on what is effectively a bridge. Bridge design depends on the load that will be carried. A good proxy for this load is the *linear mass density* of the heaviest train, or how much the train weighs per unit of length.

Parameter	Heavy Freight	Passenger	Freight Effect
Linear Mass Density	7,500 kg/m (5,000 lb/ft)	2,500 kg/m (1,700 lb/ft)	200% heavier
Load On a 15 m (50 ft) Span	113,000 kg (250,000 lb)	38,000 kg (85,000 lb)	200% heavier

While these values are approximate and do vary quite a bit, heavy freight trains can be *two to four times* as heavy as a passenger train! Throw in the usual factors of safety, and you don't have to be a civil engineer to guess what that does to a bridge design:

- Bigger and/or more concrete columns
- Shorter spans with columns spaced closer together
- Thicker bridge decks
- Costlier construction

These are not characteristics that you might call neighborhood-friendly. Heavy freight trains will make the design of graceful elevated structures nearly impossible. (For a representative attempt, visit San Carlos.)

### Track Maintenance

The interaction of wheel and rail is an arcane subject that mixes black art with cutting-edge research. It is the stuff of [academic journals](#), so we won't venture out of our depth here. Wheel and rail profiles are typically engineered as a system, in order to achieve a balance of cost, wear, fatigue, and noise characteristics. In a nutshell, as quoted from [a journal article](#), "*Lines that handle high-speed passenger trains during the day and freight traffic at night represent the most challenging conditions under which to properly maintain rail and track.*"

Loaded to 30,000 kg per axle (65,000 lb), freight cars can operate with wheel [flat spots](#) that measure up to 2 inches in length. The resulting thump-thump-thump is not only loud, but it wreaks havoc on tracks that are carefully aligned for passenger trains.

[Grade Separation Overview](#)

[Tree Removal Overview](#)

[Peninsula Census Data](#)

[Train Noise Calculator](#)

[HSR Engineering Documents](#)

[HSR System Requirements](#)

[Doty's Construction Methods Booklet](#)

[UPRR Trackage Rights](#)

[Glossary and Acronyms](#)

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## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

On the peninsula, passenger trains will always outnumber freight trains, and by a vast margin. Is heavy freight worth the extra track maintenance cost, likely to be borne by the taxpayer? Is it worth the additional noise, especially if so much more track will be elevated?

### A Foreign Idea: Light Freight

While it may initially read like it, the foregoing is not a manifesto against freight. Rail is an environmentally friendly way to move freight on the peninsula, and removes trucks from highway 101. The problem isn't freight *per se*, but *heavy* freight. It is possible to operate freight trains with much lighter loads and more compact loading profiles. In other countries, such trains are routinely and safely mixed in with high speed passenger train traffic. American manufacturers like GM and GE export hundreds of light freight locomotives to those countries, so it isn't like this would require any development effort. You can pick up the phone today and order yourself a [JT42CWRM](#) (photo at right by [CargoFighter](#)), made right here in the U.S.A., and hook it up with freight cars that maybe *aren't loaded quite all the way to the brim* to keep the weight down. This would be more expensive to operate, but may be worth the enormous savings in capital cost (big structures, more concrete), and especially--most importantly--improved urban design and quality of life in the communities along the Caltrain corridor.



There are many ideas about how high speed rail on the peninsula should be "Done Right". For the reasons enumerated above, doing it right means **heavy freight should be banished from the peninsula**. The benefits are probably not worth the additional cost to communities. Such a ban would probably enjoy little support from the Union Pacific Railroad, Caltrain, and even the California High Speed Rail Authority and its coterie of engineering consultants, whose [U.S.-centric](#) cultural inertia may exceed that of even the heaviest freight train. Are they capable of thinking outside the boxcar?

Posted by [Clem](#) at [8:28 PM](#)



Labels: [freight](#), [grade separation](#), [mixed operations](#), [track geometry](#), [tunnels](#)

### 74 comments:

**Anonymous** [09 August, 2009 21:23](#)

US freight railroads kept themselves alive in the late 20th Century by hauling as much heavy freight as possible over long distances. No help and nothing but government contempt until the bailouts of the 1970's. The rest of the world does not play by the same laws as physics and marched down a completely different evolutionary path. There is a lot of criticism of BART for reinventing the wheel and operating a very unique system. Are we trying to do the same here despite widespread use of EMU's with german and french accents throughout the world?

So here is the billion dollar question: do we really have time to build completely new and incompatible rail systems from the ground up? As far as North America goes in the sunset of cheap money and cheap energy...what are we really trying to do with this high speed rail project in California?

If you are wrong on your vision: it is a hard lesson to learn that we are in fact a different creature and the more we try to ignore it, the more of a disservice one does to this overall cause. The fatal flaw could be that we are missing an important middle step. I know it sucks to hear that but gravity is different on the moon (europe or asia) as opposed to north america (earth). Evolve with it but don't reinvent it or you will have conjured up...dare I say...SUPER BART in EMU form.

[Reply](#)

**Anonymous** [09 August, 2009 22:06](#)

Anonymous asks

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## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

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"what are we really trying to do with this high speed rail project in California?"

Well it sure isn't trying to build a train to carry passengers from the north to the south as its primary goal.

No No NO.

Its all about the money. Its about A guy from SJ wanting to build a monument to himself. Its about SJ wanting to become the center of northern Cal., and certainly not to play second fiddle to SF.

Its about the central valley wanting to inflate their land values, making millions for land owners and developers.

Its about PB making a few billions along with all their rail buddies.

I sure wouldn't hold up BART as any kind of example of what is needed. How many systems like BART, sucking funds from everyone can one State afford.

Its about a project being the worst possible kind of project, planned by politicians, for their own gratification and egos.

[Reply](#)

**Caltrain First** [09 August, 2009 23:59](#)

Well done, Clem. You're right on target with this piece. I think you have identified the single issue that will make or break the effectiveness of this HSR project on the Peninsula. CHSRA and Caltrain can ignore heavy freight and build a small-footprint speedway that can move light trains quickly, efficiently, and flexibly with a minimum of NIMBY disruption; or they can substantially increase structure design costs and the resulting NIMBY fury in the name of catering to heavy freight movements that are obsolete on the Peninsula. The more complicated and convoluted the final trackage/ROW design, the less likely it will ever surpass NIMBY challenges and attract enough funding to pay the huge construction bill.

I don't think UPRR will be all that upset about losing the ability to run heavy freight cars up the Peninsula. How much business are they doing on the Peninsula anyway? Hardly any. The real heavy freight interests come from area politicians trying to brush up their union labor credentials in promoting the empty rhetoric of "keeping industrial jobs" in an area that has almost completely lost them to outsourcing and gentrification. The ILWU will want to keep a small handful of longshoremen jobs in San Francisco regardless of the net benefit. CHSRA's contractors are always happy to oblige to "keep the meter running" in designing and building bigger and more complicated projects.

[Reply](#)

**dave** [10 August, 2009 02:08](#)

@ anonymous 22:06pm

Yeah, that's pretty much what you tell yourself before bed to help you sleep. By your logic, all of us HSR proponents should get a check shortly after it's built. I can't wait!

FYI, You lose all credibility as an anonymous poster.

Now let's keep the discussion technical.

[Reply](#)



**Alex M.** [10 August, 2009 09:19](#)

With respect to the wear of the freight trains on the new rails, if the plan for the Caltrain corridor is to quad-track it with the HSR tracks only supporting HSR and Caltrain Express, is there really a problem? The heavy freight should be on the other two tracks and hopefully will never have to cross onto the HSR tracks, although that is a big possibility depending on the final track configuration. In general though, I am really in favor of getting rid of heavy

## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

freight on the peninsula, it is only mucking everything up. Too bad the complete rights to the corridor weren't just bought off of UP in the beginning...

[Reply](#)



**Rafael** 10 August, 2009 09:51

I wonder if UPRR would be willing to share an inventory of its customers on the SF peninsula and the type and volume of freight it handles for them. Clem has analyzed the impact continued heavy freight operations would have on the design and cost of the improvements to the Caltrain corridor.

What's missing is some quantitative information on the impact that discontinuing heavy freight in the SF peninsula would have on road traffic, employment, the local tax base, redevelopment opportunities etc.

Some of the freight could probably be carried by barges instead, but most would have to switch to trucks. The alternative is that customers go bust or pick up sticks and set up shop elsewhere. Whatever the scenario, discontinuing freight on the SF peninsula altogether would cost someone a chunk of change. That would have to be weighed against the additional construction cost heavy freight imposes on the Caltrain corridor upgrade and against property blight due to any freight trains running on elevated structures at all, especially at night. Shutting down heavy freight would also have impacts on jobs and air quality, though new EPA emissions standards for new heavy duty trucks will reduce those by 80-95% per vehicle starting in 2010.

Clem's idea of operating more but shorter freight trains between SF and Santa Clara with lighter electric locomotives is intriguing. Unfortunately, FRA-compliant rail cars are also very heavy and feature wheels with bald spots. Customers want the lowest cost per ton of freight, so they'll balk at not loading cars to the gills. AAR plate H cars in particular can match or even exceed the axle loads of the heavy diesel locomotives. Even with the PTC mandate in PRIIA, I suspect it will be many years before FRA will allow long-distance freight trains to include any UIC-compliant freight cars, so those are not really an option.

Ergo, switching lighter locomotives and more but shorter trains may therefore not be a workable approach after all.

However, it may be useful to study the case of Hansen Cement in Cupertino. Back in the day, they used coal delivered on the Vasona line to stoke their kilns. Environmental opposition to mercury emissions from that coal prompted them to switch to natural gas instead. The finished cement presumably goes out on trucks now, not sure how much was ever moved by rail. Part of the line has since been used for a new VTA light rail service to Winchester Blvd. The rest runs west of hwy 85 and may be converted into a bike path before long.

Conclusion: in special cases like the SF peninsula, there are actually environmental upsides to abandoning heavy rail freight, even though it makes eminent sense on busy lines. For example, I expect the waterfront property of the Port of SF would be more valuable if converted to affordable residential housing after the requisite soil cleanup. Both would create more jobs than closing the port would cost. Access to downtown would be possible via buses and/or the planned Central Subway.

Note that [high speed cargo trainsets](#) can handle lightweight, high-value freight like mail, packages, perishable foods, fresh cut flowers etc. With appropriate planning, UPRR (or US Mail, FedEx, UPS etc) could operate this as a brand-new service, piggybacking onto single-trainset passenger trains. The jobs would be at the transshipment facilities co-located with HSR yards around the state.

[Reply](#)



**Rafael** 10 August, 2009 09:58

@ Alex M -

I think you may be missing Clem's point. The Caltrain corridor upgrade will almost certainly feature the same vertical elevation profile for each of the four tracks. In other words, even those that will only ever be used for

## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

lightweight UIC-compliant passenger trains will follow the profile imposed by heavy rail freight considerations.

If there were no heavy freight rail to accommodate, engineers could build a much cheaper, more filigree passenger-only above-ground alignment that would be more acceptable to peninsula communities.

[Reply](#)

 **Bianca** 10 August, 2009 10:45

Another very compelling post, Clem. I have to admit about halfway through I started to think "hey, what if they just made the freight trains less heavy? Would that be a possible solution?" and then I see that's where you were heading all along.

It is going to take a fair amount of education of folks on the peninsula that instead of agitating for tunnels they should be asking for light freight. Light freight means smaller, less obtrusive grade separations. It means lower construction costs. It means more design options are available for communities to shape a design that works for them.

How much more expensive would it be for UPRR to run light freight instead of heavy? I have no idea what those numbers look like.

[Reply](#)

**Reality Check** 10 August, 2009 12:12

Of course, if you use special, lighter Peninsula-certified freight cars that has its problems too. Currently freight cars on the Peninsula can come/go from/to all over the US and Canada right now. If you have a special Peninsula feet that is either lighter or maintained to a higher standard (ie. no flat spots allowed, etc.) then you must transload loads on/off these cars so they can remain available nearby.

The most feasible scenario would be a strictly-enforced axle load limit. Shippers would be required to limit loads headed for the Peninsula, and then there would have to be some type of weigh station in Santa Clara or San Jose to ensure axle loadings are all in compliance before a train (or car) is cleared to come onto the shared Caltrain/HSR Peninsula line.

This also means today's 30 car string of hopper cars full of heavy aggregates (gravel, sand, etc.) for Granite Rock at the Port of RWC or for Granite Rock at Lowrie Avenue in South SF might be twice as long in order to deliver the same load. So some sidings may need to be lengthened.

The other issue with preserving freight that Clem didn't touch on is engineering and building the requisite spurs coming off elevated or depressed/tunneled areas. An example of this is the spur that Caltrain was forced to build at substantial expense as part of the San Carlos/Belmont grade separation project. It comes down off the elevated line just south of San Carlos station and crosses Old County road. It preserved UP's existing rights/abilities to serve a small concrete batch plant and the large Kelly-Moore paint factory. Of course, neither business ever used this spur to receive car loadings. A Kelly-Moore executive once told me that UP just wasn't practical/competitive anymore ... so they have remained an all-truck operation.

[Reply](#)



**BruceMcF** 10 August, 2009 17:04

Whether restricted to light or restricted to light and medium freight, this would clearly be an abandonment of heavy freight rail service, to be run through the STB abandonment process.

I have seen a state 1998 STRACNET map that shows the corridor on STRACNET, but thought I saw a recent national STRACNET map in a NY State document that looked like it was Oakland-only (I wish I had bookmarked or downloaded that document, I can't find it again now).

If it is still a STRACNET corridor, a STRACNET abandonment would also be useful for moving to high platforms on the local lines, since STRACNET loads

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## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

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are wide loads and are largely incompatible with high platforms.

I assume that the bridge loads would be in proportion to axle weight loads, but it would be interesting to know how cutting axle loadings to ~50,000lbs and ~40,000lbs (that is, 22.5 metric tons and 18 metric tons) would affect the grade separation design parameters.

[Reply](#)

**bikerider** [10 August, 2009 21:47](#)

I don't see any practical advantage here for running "light" freight. It still means having to run under FRA rules, and given the relatively minuscule amount of tonnage, there is simply no cost-benefit.

Even if "light" freight reduces a few of the FRA requirements, in the end it still just adds up to a lot of pain if CHSRA wants to use modern signaling, modern operating practices, modern catenary, etc, etc.

Unfortunately, the project will probably get stuck with the FRA baggage -- partly because there are too many relics working at Caltrain.

[Reply](#)

**Caltrain First** [10 August, 2009 23:01](#)

The long-term solution is for FRA to ease its obsolete requirements regarding car weight and safety -- it was a silly rule based on a false understanding of safety -- and it's annoying that HSR promoters don't seem to be lobbying for this change. It's a convenient excuse to over-build, but new technology actually makes light vehicles safer than heavy vehicles.

In the short-term, just ban dedicated freight trains when considering the design layout. Freight can still be carried in specialized parts of CHSRA and Caltrain trains. Most future freight on the Peninsula is going to involve high-value, low bulk goods such as mail and consumer packages. In the future, if sufficient demand develops, dedicated freight trains can adapt to the high-speed nature of the corridor. No need exists for running heavy trains on the Peninsula regardless.

[Reply](#)

**Alon Levy** [11 August, 2009 00:17](#)

Clem, do freight trains really weigh 10 tonnes per linear meter? That would imply they weigh 250 tonnes per car, which I'm pretty sure is too high. If I'm not mistaken freight cars weigh 120 tonnes, not 250, and have twice the axle load of lightweight EMUs, not four times.

[Reply](#)

**Richard Mlynarik** [11 August, 2009 00:49](#)

"Caltrain First" is right: it's the FRA which is the main disaster.

133,200 kg locomotives (which are what Caltrain's "passenger" deadweight MP36 fuel-wasting monsters weigh) are something one might almost (almost!) live with, at least south of Redwood City, but the crippling costs and operation inefficiencies that comes with being under the thumb of the FRA neaderthals is something that no *public service* operation can afford to countenance.

Which is not to say that lighter and more attractive track structures (especially in elevated stations) wouldn't be a huge win. Likewise lower track maintenance costs, and all the rest of the goodness.

Something else that should be on the table but that doesn't seem to be: Caltrain and CHSRA should be adopting non-freight (= non-Amtrak, non-AREMA) track standards to go with non-stone-age trains. Getting trains and tracks to play together nicely is hard work -- it's a much better idea to just reuse something that's known to work and that others have debugged than to get in the (contractor-profitable, delay-prone) business of local design, local acceptance testing, local research divisions, and all that baggage. Pretty much all of Caltrain's track is going to be pulled up or relaid anyway, so why



## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

not put in German (or Japanese, or French, or whatever) standard track as that's happening?

[Reply](#)

**Richard Mlynarik** [11 August, 2009 02:07](#)

It was pseudonymous "bikerider" not pseudonymous "Caltrain First" who's on the money re FRA. Just say no!  
(Or to be all nuanced and sensitive: sure, consider freight, but not at any cost.)

Alon Levy: Clem's 10t/m loads are a bit off -- it takes heavy haul iron ore will to get all the way up there. Closer to home is a still-elephantine 6.25t/m (263000 lb in 53 feet; 29.8t/axle if evenly loaded) of a standard hopper car. That's also the weight per length of our obscenely overweight and inefficient Caltrain locomotives (293500 lb in 70 feet.)

[Reply](#)

**Nicolas** [11 August, 2009 07:53](#)

There are theories that if the United States had adopted light freight earlier, our passenger rail systems would be more extensively developed and largely electrified. It makes sense since, as Clem has demonstrated, light freight is certainly more compatible. But for the Caltrain corridor, while there may be overall benefits in terms of construction and maintenance cost, it does not make sense to implement them unless they are going to be adopted systemwide. On its own, light freight on the Peninsula only seems operationally impractical.

It disturbs me that the CHSRA would spend so much effort, and adopt an incompatible rail solution, in an attempt to appease the NIMBY. Frankly, the NIMBY position does not deserve this much effort on the Authority's part. Furthermore, I doubt that a change to light freight will be a sufficient solution to the NIMBY problem. Remember that the local NIMBY opposition was largely galvanized by vocal "HSR deniers" with extremist views on high-speed rail. At the end of the day, residents will probably still be calling for a tunnel.

[Reply](#)

**Clem** [11 August, 2009 08:37](#)

*do freight trains really weigh 10 tonnes per linear meter?*

*Clem's 10t/m loads are a bit off*

Alon, Richard, thanks for catching that error. I think I mixed up my units at some point. It's all fixed now, but doesn't detract from the basic point which remains that freight trains so heavy that they drive bridge design.

[Reply](#)

**Alon Levy** [11 August, 2009 11:08](#)

If axle load can be controlled somehow, you might be able to get away with heavier freight trains by scheduling them so that they never pass on a bridge at the same time as another train. That creates a lot of problems, chief of which is that Union Pacific believes schedules to be the definition of hell, but technically it's doable. They do haul heavy freight on rail through tunnels in Switzerland - often together with the truck that will carry the freight once it gets off the tunnel.

[Reply](#)

**Clem** [11 August, 2009 12:30](#)

@Alon, structurally the tracks are separate and it doesn't matter if two trains occupy an overpass at the same time. Each track has its own row of support columns.

(Note, for light passenger trains you can have two tracks on one row of

## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

columns, as demonstrated by the CHSRA's [concept drawings](#) of one LA-Anaheim alternative.)

The Swiss truck-on-railcar operations to which you refer do not conform to the definition of heavy freight. The axle loading is very light, far below 30 tonnes.

[Reply](#)

 **Rafael** 11 August, 2009 14:26

@ Alon Levy, Clem -

it's pretty important to get the axle loads of freight trains right, because wear and tear on the track geometry is roughly proportional to its fourth power (and linear with axle count). Even at "just" 125mph, HSR operation is only possible if tracks are built and maintained to tight tolerances.

Perhaps this would be a good time to (once again) point out the advantages of modern intermodal freight systems, e.g. [Modalohr](#). It supports random access and parallel roll-on roll-off (RORO).

Unlike the "rolling highway" shuttle trains through the Channel Tunnel and the Alps, the tractor trucks stay local on both ends in this system. It is therefore better suited to intermediate distances (hundreds of miles), with local trucking companies acting as subcontractors.

Note that the end supports and electric motors for pivoting the flatbeds are integrated into the special transshipment terminals, not the rail cars.

The system is UIC but not FRA compatible. Modalohr's [articulated rail cars](#) (specs on p16) weigh 42 metric tons empty and feature two pivot bays and three standard bogies (four 920mm wheels each). The two loaded trailers together are limited to 44 tons, i.e. 14.3 tons/axle (if perfectly distributed). Even in real-world situations, that means it should stay under the limit of 17 tons/axle used internationally for HSR tracks.

Certified top speed is currently 120km/h (75mph), though the Swiss are thinking about pushing that envelope a little.

What this means is that in theory, the California HSR network could be used to take a lot of trucks off the state's freeways. A major caveat is that they could only do so at night and not during scheduled track maintenance.

Another caveat is that the system's transshipment terminals require a lot of width (52m for one-sided, 104m for double-sided loading).

The economic analysis done by Ecoplan suggests that the Modalohr system is the most economical solution for routes supporting 400,000 to 800,000 trailer movements per year. Below 400,000 units, the cheaper and more conventional Bombardier-NT system comes out ahead. Its cars transport tractor-trailer combinations on non-articulated rail cars with 16 small diameter wheels. Average axle load is below 8 tons, well within HSR limits. Top speed is 100km/h (60mph).

[Reply](#)



**BruceMcF** 11 August, 2009 15:28

From the (revised) bridge table:

7500:2500=300%, 200% heavier.

If that is 30 tonnes (33 short tons), then 17 tonnes (18.75 short tons) is:

4250:2500=170%, 70% heavier.

22.5 tonnes (Euro heavy freight) is:

5625:2500=225%, 125% heavier.

Treat this like a short freight line. There are lots of short lines around the country that have weight restrictions, mostly for this same reason ... the support structures for culverts, bridges, etc. for 33 short ton axle loads would cost more, and the quantity of freight does not make it worth while to invest

## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

in that.

First, if its on STRACNET at all (I have only seen detailed maps from the 1998 report, not from last year's), check with the Pentagon to see if they want to pay the extra cost for viaducts and overpasses to be a STRACNET corridor (two M1 tanks on a six axle flatbed is so close to 30 tonnes they just specify the heavy freight mainline), otherwise they can relocate the railhead. That clears that hurdle.

Then, assuming they decide to relocate the railhead (of if they have already done so), proceed with formal abandonment as a heavy freight line, and establish a 17 tonne axle load freight envelope for the track available for freight in a 12midnight/6am time slice.

I understand from the artist's reckonings that the Transit Oriented Development towers they are going to be building in all the Transit Oriented Development that is supposed to happen are going to be made out of soap bubbles and joy held up by Unicorn daydreams ... but as a back up plan, it probably makes sense to retain some freight capability up the Peninsula that is not entirely dependent on gasoline and diesel, in case some steel, cement, or bricks are needed.

[Reply](#)



**Rafael** [11 August, 2009 17:50](#)

@ BruceMcF -

30 tonnes <-> 4250  
22.5 tonnes <-> 5625

Please explain.

The idea of a short freight corridor based on multiple less than fully loaded but still clapped-out FRA-compliant equipment between midnight and 6am isn't going to be at all popular with the locals.

Light freight trains that can run slowly (speed limit 60-75mph through towns) and quietly on the HSR tracks would be a different matter. That would certainly apply to [cargo on modified HSR trainsets](#), perhaps even for intermodal freight (depends mostly on how much the semi-trailers rattle and squeak). Both would require several transshipment facilities and spurs off the planned HSR network.

The problem is that UPRR is a cranky 147-year old organization that is very set in its ways. I doubt they want to compete against US Mail, FedEx et. al. The idea of running intermodal freight just within California (perhaps incl. Las Vegas some day) might be more appealing.

However, while a switch to light freight would give UPRR an incentive to partner with CHSRA on ROW issues elsewhere in the state, heavy freight customers in the SF peninsula would be left in the lurch. Paying them off may be possible and affordable, someone would have to look at that vs. the cost of retaining heavy freight on the upgraded Caltrain corridor.

As for building materials for one-off TOD projects, you know as well as I do they can be supplied by trucks. Compared to all the extra earth, rebar and concrete needed to enable heavy freight rail in the design of the grade separations, the amount needed for TOD is small.

[Reply](#)



**Rafael** [11 August, 2009 17:54](#)

@ BruceMcF -

bricks in earthquake country? Not a good idea...

[Reply](#)



**BruceMcF** [11 August, 2009 20:59](#)

@ Rafeal:

## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

"30 tonnes <-> 4250  
22.5 tonnes <-> 5625"

From the table, 30 tonnes => 7500

(17/30)\*7500=?  
(22.5/30)\*7500=?

30 tonnes<->4250 isn't there ... 30 tonnes=>7500 is from the table.

Regarding freight, the corridor is being built for the conditions 10, 20 and 50 years from now. Simply airily declaring that "the heavy stuff can go on trucks" is an extraordinary leap of optimism.

As far as the gee whiz kewl intermodal experiments ... set a design envelope and let the potential freight users decide whether they want to find a way to fit into the envelope. It may be what is put into practice is even more gee whiz kewl ... and it may be very prosiac, like dual mode hybrid diesel/electric CargoSprinters offloaded with a small container lift.

Re: bricks ... I want to say that I had some particular people in mind for the brick houses, but I guess that adobe on foam that gives such a good thermal mass is better than brick facings.

[Reply](#)



**Spokker** [11 August, 2009 21:11](#)

"Regarding freight, the corridor is being built for the conditions 10, 20 and 50 years from now."

What is going on on the peninsula that makes you think freight is going to take off there?

[Reply](#)



**Rafael** [11 August, 2009 21:44](#)

@ BruceMcF -

ah, I misread your original comment regarding the weight conversions. Thanks for clearing that up.

Btw, I don't think all the heavy stuff can go on trucks. Perhaps some of it can, some could perhaps go on barges, the rest would just go away altogether. The businesses involved would either relocate to a location outside of the SF peninsula or else close their doors.

As for light freight of an kind, there is one salient aspect I forgot to mention: the cars are unpowered, so one or more locomotives are needed. Typical European electric loco's for light/medium freight come in at just under 22.5 tons/axle. I don't know if any with less than 17 are currently on the market, other than tractor units for HSR trains.

[Reply](#)



**Clem** [11 August, 2009 23:14](#)

*Typical European electric loco's for light/medium freight come in at just under 22.5 tons/axle.*

So does the JT42CWRM (a.k.a. Class 66), which would be capable of switching assorted freight sidings and tail tracks where electrification is not justified. That is why I mentioned it: cheap, tried and true, no techno-whiz R&D stuff need apply.

That ought to be a general principle for all things on the peninsula corridor. Invent nothing new and use fully debugged products that are proven elsewhere.

[Reply](#)



**Rafael** [12 August, 2009 13:51](#)

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## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

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@ Clem -

I agree on the approach of using proven equipment, but any loco weighing in 22.5 tons/axle would not be allowed to run on the HSR tracks.

That's ok as long as we're talking about converting the SF peninsula into a short freight line in the sense suggested by BruceMcF. There would have to be at least two, shorter Mission Bay Haulers per day in that model.

[Reply](#)



**BruceMcF** 13 August, 2009 15:48

Rafael said...

*"As for light freight of an kind, there is one salient aspect I forgot to mention: the cars are unpowered, so one or more locomotives are needed. Typical European electric loco's for light/medium freight come in at just under 22.5 tons/axle. I don't know if any with less than 17 are currently on the market, other than tractor units for HSR trains."*

I assume you mean tonnes ... that's why I asked about 22.5 tonnes as well as 17 tonnes ... bouncing back and forth between metric tons and short tons makes me nervous about "tons".

Since 22.5 tonnes is a common Euro heavy freight axle loading, it would not assume equipment specially made for the Peninsula or speculate on establishment of a 17 ton axle load freight standard or emergence of a *de facto* standard.

[Reply](#)

**dave** 13 August, 2009 18:32

Freight on a [electrified rail line](#) in Japan, Possibly a HSR route.

Notice the freight cars are more simple and permit smaller loads than the Overloaded, heavy, U. freight cars.

[Reply](#)



**Rafael** 14 August, 2009 03:15

@ BruceMcF -

If the SF peninsula does get four tracks, then two of them can easily be built to support higher axle loads, e.g. 22.5 metric tonnes. It's just that freight would still have to be carried on heavy FRA-compliant cars to make it beyond San Jose. That leaves little headroom for payload, effectively making freight on the SF peninsula unprofitable - at least with UPRR's existing customer base there.

The 17 metric tonnes (tons?) axle load limit is a *de facto* standard for dedicated HSR tracks. It's just that virtually no freight trains of any kind are allowed to use those anywhere in the world. France's LaPoste is an exception, but it uses converted HSR passenger trains for the purposes.

I was thinking of running intermodal freight within California on the HSR tracks, at night, to help defray the high cost of the infrastructure. Auto trains carrying both passengers and their cars would be another possibility, especially if they could easily be loaded and unloaded at intermediate points along the route as well.

Mail and packages could be run during the day at full speed by piggy-backing unmanned high speed cargo trainsets onto single-trainset passenger trains.

My point is, perhaps we shouldn't think of HSR tracks as dedicated to passenger traffic. Some special types of *light* freight could run on those fancy electrified tracks without chewing them up.

@ dave -

I suspect that's not a shinkansen track, at least not one a main line.



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## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

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Clue #1: the station platform to the right is on a noticeable curve.

Clue #2: a slow freight train in the middle of the day could not share track with fast passenger trains, at least not for any appreciable distance.

Clue #3: even though those tank wagons are quite small, I bet the locomotive used to pull them still comes in at axle loads in excess of what would be permitted on a shinkansen main line.

[Reply](#)

[Replies](#)

 [Anandakos 05 February, 2013 12:50](#)

The two tracks in the foreground are definitely not at Shinkansen standard. The track next to the retaining wall in the background may be a Shinkansen route; it's obviously of a much higher engineering spec. The nearest two are probably a suburban service route from which a chemical factory is served.

[Reply](#)



[BruceMcF 14 August, 2009 08:22](#)

Rafael said...

*"If the SF peninsula does get four tracks, then two of them can easily be built to support higher axle loads, e.g. 22.5 metric tonnes."*

Two of them can "easily be built" for 30t axle loads ... the issue is not whether it can be accomplished, the issue is the design limits enforced on the design of elevated rail structures if it is done.

More to the point is the ruling grade ... once that breaks 1:100 (1%), you've got a shortline scenario in any event, and you might as well work out what other access limits should be put on the shortline.

If stress on the track increases with the square (?? is that right?), 22.5t is 47% less stress, which eases the task of keeping the 80mph tracks in shape for the locals.

*"It's just that freight would still have to be carried on heavy FRA-compliant cars to make it beyond San Jose. That leaves little headroom for payload,"*

? How do you figure? 22.5 tonnes is 75% of 30 tonnes, payloads are often around three times tare, so limiting to 22.5tonnes would mean payloads a bit over twice tare.

That's another reason beyond the wide availability of 22.5t axle load electric locomotives why 22.5 tonnes is a design parameter to include as an option for evaluation ... double stacked container traffic with 30 tonne axle loadings could just be shifted to single stack as long as the weight ratio between heavy bottom containers and lighter top containers is no more extreme than 2:1.

*"effectively making freight on the SF peninsula unprofitable - at least with UPRR's existing customer base there."*

22.5t would require around 25% more freight cars for the same load (or equivalently two consists with 63% as many freight cars each) and a change of locomotive, with no major change in other operating costs down the line.

17t axle load, 1:40 ruling grade is not really making anything other than notional accommodations for freight. IOW, just build the line as a passenger line and specify what the access envelope, and if a freight user can fit inside the envelope, they get access too.

[Reply](#)

[K.T. 14 August, 2009 13:58](#)

Dave,

That is not a shinkansen track for more obvious reason than the clues

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## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

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provided by Rafael.

Train Gauge of EF65 is narrow gauge (1067mm), so it is not possible for that train to run on standard gauge (1435mm) shinkansen track

[http://en.wikipedia.org/wiki/JNR\\_Class\\_EF65](http://en.wikipedia.org/wiki/JNR_Class_EF65)

If you are looking for freight train with less axle load, these multiple-unit freight trains may work:

[http://en.wikipedia.org/wiki/M250\\_series](http://en.wikipedia.org/wiki/M250_series)

<http://en.wikipedia.org/wiki/CargoSprinter>

[Reply](#)

**e** **Clem** [14 August, 2009 16:42](#)

*If you are looking for freight train with less axle load, these multiple-unit freight trains may work*

Those are some very exotic solutions, but why reach that far? My point was that an off-the-shelf, widely produced locomotive paired with under-loaded AAR/FRA freight cars might significantly mitigate the impact of HSR+freight on the peninsula.

[Reply](#)

**mike** [14 August, 2009 17:45](#)

Clem, [looks like you got someone's attention.](#)

"Peninsula Freight Rail Users Group"? Goodness. Are these people for real or are they some manufactured misguided NIMBY front? Their membership numbers look to rival that of "Environmentalists for Sarah Palin."

[Reply](#)

**mike** [14 August, 2009 17:47](#)

For those that don't wish to click through, the article title states that "electrified Caltrain may prove disastrous for freight rail." I would submit that what proves even more disastrous for freight rail is that there is miniscule percentage of industry remaining on the Peninsula that ships or receives very heavy freight.

[Reply](#)

**dave** [14 August, 2009 17:53](#)

Another [article](#) concerning this subject.

According to the Mercury News, talks of freight only being allowed to run from Midnight (12:00AM) to 5:00AM on the new electrified line is not enough??

Don't they run like two trains a day through the peninsula?

I don't think this means that a diesel train can't sort cars and couple them together on track that is not on the mainline during the day, allowing the sorted and coupled train to use the mainline at the stroke of 12PM. Seems reasonable to me.

I think they just want the liberty to move their cargo conveniently when they want.

[Reply](#)

**dave** [14 August, 2009 17:54](#)

Ah, mike, you beat me.

[Reply](#)

## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

**dave** [14 August, 2009 18:00](#)

@ K.T

That M250 series looks nice, maybe U.P. will look into it.

Of course they should look into getting all new lightweight train cars that meet the electric wire clearances.

They can probably sell or scrap rail cars that don't meet the clearances. Isn't scrap metal high priced these days?

That is if UPRR actually owns the cars and not the companies that use them.

[Reply](#)

**mike** [14 August, 2009 18:10](#)

The amusing part about the SJ Merc article is that the Peninsula shippers don't want the Caltrain electrification/HSR project cancelled - they just want 5' more clearance on the catenary and expanded operating hours. This means:

- 1) Extra visual blight at grade or on elevated structures (because the catenary is now higher).
- 2) An even stronger preference for elevated structures over trenches/tunnels (because now you have to dig another 5 feet deeper to get sufficient clearance, and the transition sections to get down there have to be even longer).
- 3) More noise and pollution from noisy, polluting long freight trains throughout the day.

The freight interests are diametrically opposed to the NIMBYs' interests, as Clem predicted. The amusing thing is that so few of the NIMBYs actually realized this (and some still may not!).

[Reply](#)



**BruceMcF** [14 August, 2009 19:20](#)

Clem said...

*"My point was that an off-the-shelf, widely produced locomotive paired with under-loaded AAR/FRA freight cars might significantly mitigate the impact of HSR+freight on the peninsula."*

That's exactly what my back of the envelope reckoning was further up ... a 22.5 tonne axle load limit and 1:40 (2.5%) ruling grade would mean more or less 3/4 full hopper or tanker cars, single stacked containers, shorter consists, and of course an electric locomotive to pull the train up or down the corridor ...

... but it wouldn't require "outlawing FRA compliant freight cars" or hypothetical high fixed cost freight shifting capability for a few loads of freight a day.

Indeed, there would be not *technical* reasons that there should not be some freight slots on the local tracks during the day ... not during peak morning and evening commute hours, of course, but one or two mid-morning and mid-afternoon slots would possible.

Of course, that requires the FRA comes to the table with a reasonable safety regime for mixing the freight trains meeting the spec with trains that provide effective local service ... but of course there is no pure engineering fix for regulatory risk, and if the FRA requires hobbling the locals to allow for daytime medium weight freight slots on the all-stations line, then a freight curfew may be required to sidestep the FRA.

[Reply](#)



**Alon Levy** [14 August, 2009 23:58](#)

I wouldn't put too much faith in copying freight rail technology from Japan or Europe. While in passenger rails those areas are decades ahead of the US, in

## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

freight rail they're behind, especially Japan, where rail freight mode share is in the single digits. The US railroads are actually more competitive with trucking than the European railroads, and much more so than the Japanese railroads.

[Reply](#)

 **Clem** [15 August, 2009 00:29](#)

Alon, they are more profitable because they carry such enormous payloads. That leads right back to the challenge before us on the peninsula.

Should we take on hundreds of millions, if not billions, of *additional* construction and maintenance costs to ensure the continued profitability of heavy freight railroad operations on the peninsula?

While I'm sure that UPRR and all their customers would love that, I can't help but wonder if we (taxpayers, rail passengers) aren't better served by a compromise solution.

[Reply](#)

**flowmotion** [15 August, 2009 00:33](#)

@mike -

Whether or not this is a legitimate group, "Peninsula Freight Rail Users" obviously have a very legitimate interest in this project. So what if they get their two-bits in? Your comparison to a Palin front-group is just obnoxiously dumb.

Also, one needs to consider the reverse-side of the NIMBY coin here. Removing freight would remove (some minor) impact from the wealthy areas of Palo Alto, Atherton, etc. But it creates new impacts from additional trucking through disadvantaged areas near industrial zones. This creates an "environmental justice" issue in areas which are already organized against exactly such thing. How many NIMBY fires can CAHSR afford to fight?

And that's not getting into the Port of San Francisco, and the teeming mass of political hacks within.

Bottom line is that the idea of removing freight doesn't solve any political problems, it only creates new ones. It's worthy to bandy around the engineering implications, but ultimately it's not going to fly.

[Reply](#)



**BruceMcF** [15 August, 2009 08:03](#)

Alon Levy said...  
*"I wouldn't put too much faith in copying freight rail technology from Japan or Europe."*

Note that using electric traction to support steeper gradients *is* US technology ... the last Milwaukee Road started electrifying its Rocky Mountain sections in 1915.

Adopting 22.5 tonne axle loads is not about "adopting European technology", its just about taking advantage of economies of scale.

[Reply](#)

 **Clem** [15 August, 2009 09:22](#)

*using electric traction to support steeper gradients*

Bruce, overcoming gradients is a matter of tractive effort, not power. It explains why heavy freight locomotives are deliberately made *as heavy as possible*. Electric traction is irrelevant to this issue unless significant tunnels are built on the peninsula... which I doubt there ever will be.

[Reply](#)

## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

**e** [Alon Levy](#) 15 August, 2009 10:07

Clem, I'm not sure US freight rail is more profitable - it just has a higher modal share than European and Japanese freight rail, while trucking has a lower modal share. (So it's not just that heavy freight in Europe and Japan is shipped by sea).

[Reply](#)

**e** [Rafael](#) 15 August, 2009 15:28

@ Alon Levy -

the biggest problem for European freight rail was and is the plethora of incompatible track gauges, signaling, electrification parameters etc. The EU and rail equipment vendors are gradually chipping away at the problem, such that eventually, there will be no need to change equipment or drivers at the borders. It's still going to take a while, though.

Meanwhile, heavy bulk goods are moved around by sea and inland waterways.

I'm not as familiar with the issues faced by freight rail in Japan, but I suspect that most bulk goods are shipped by sea and then loaded directly onto trucks because virtually all of the population centers are on the coast.

Bottom line: geography has a lot to do with the ship vs. rail modal split for heavy goods.

[Reply](#)

**e** [Alon Levy](#) 15 August, 2009 16:29

It's not just ship vs. rail - in Europe and Japan freight rail maintains a lower mode share against trucks, as well. [An article](#) by JNR privatization architect Ryohi Kakumoto gives the freight modal split in 1995 as 4% rail, 53% road, and 43% sea in Japan; 6% rail, 66% road, 23% sea, and 5% pipeline in Britain; and 24% rail, 63% road, 3% inland waterways, and 10% pipeline in France. The corresponding [modal split](#) in the US is 37% rail, 29% road, 8% sea, 10% inland waterways, and 16% pipelines.

The explanation in the case of both Europe and Japan isn't continent shape, or track gauge. It's priority for passenger rail. There are very few major infrastructure projects geared toward improving freight rail in Europe or Japan, on a par with the massive construction of regional rail in the decades following WW2. The only such project that's as extensive as HSR for passenger rail is the tunnels under the Swiss Alps, which are meant to allow both faster train speeds and heavier freight loads. On top of that, freight trains are required to maintain minimum speed and limit axle load, which increases operating costs.

[Reply](#)

**e** [Clem](#) 15 August, 2009 17:58

Please keep it on topic, folks.

[Reply](#)

**e** [Rafael](#) 15 August, 2009 18:20

@ Alon Levy -

"There are very few major infrastructure projects geared toward improving freight rail in Europe [...]"

Not true. In fact, the majority of the EU's continental-scale TEN-T framework of [30 priority axes](#) for upgrading transportation infrastructure is geared toward rail and the majority of that toward shifting medium-to-long distance freight from road to rail.

The individual projects are financed primarily by the member states, so progress has been uneven. However, it is happening, here's just a few big projects designed - among other objectives - to boost freight rail:



## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

France/Italy: Mont d'Ambin basis tunnel  
France/Spain: Perpignan-Figuearas, Basque Y  
Austria/Italy: Brenner basis tunnel  
Austria: Lainzer tunnel, Wienerwald tunnel, Koralm tunnel  
Germany/Denmark: Fehmarn Belt bridge  
Spain: Pajares base tunnel  
France: Belledonne tunnel, Grande Chartreuse tunnel

These come on top of the St. Gotthard and Loetschberg basis tunnels in Switzerland that you mentioned and some major freight-cum-passenger rail projects that were completed fairly recently, e.g. the Channel Tunnel, the Oresund fixed link (Sweden/Denmark), upgrades to the West Coast main line in the UK, the Betuwelijn (Netherlands/Germany) etc.

In addition, there are plenty of new public works in earlier stages of development, e.g. Rail Baltica from Warsaw (Poland) to Tallinn (Estonia), a tunnel from there to Helsinki, a base tunnel through the center of the Pyrenees etc.

Driving all this is the liberalization of the European rail grid. By 2010, member states must have segregated ownership of rail infrastructure and train operations, previously bastions of nationalized monopolies. The idea is to encourage cross-border electric freight rail traffic and competition, because the EU logistics sector is overexposed to the risk of high oil prices.

Btw, it's true that many rail lines in Western Europe are limited to 22.5 tonnes axle load, but that's not an issue for light/medium rail freight looking to compete or integrate with trucking. Line haul time is typically more important for rail freight than lowest cost per ton.

The business model for freight rail is simply different on each side of the Atlantic. Of late, European operators have found it more difficult to make money than their US counterparts. However, given the regulatory changes and fresh investment in infrastructure, that will hopefully change over the next decade. Note that US operators were in a hole in the 80s, prompting a wave of mergers and the sale/abandonment of many legacy lines and spurs - especially out west.

Of course, there are exceptions like short lines for ore and coal trains. Those are profitable all over the world.

[Reply](#)

 **Rafael** 15 August 2009 18:40

@ Clem -

since you're the one who brought up the "foreign" idea of light freight for the SF peninsula, is it off-topic to discuss why that model is common in Europe and Japan but rare in the US?

No-one's going to operate light freight just between SF and SJ, it has to make financial sense to ship less than full rail cars out of the Bay Area. Either the value of the goods is high enough to support a hike in the cost of moving them or, John Q. Public subsidizes the arrangement to keep trucks off the freeways and reduce the cost of upgrading the Caltrain corridor.

The alternatives are (a) to spend hundreds of millions extra on the grade separations just so the Port of SF, Granite Rock and a handful others can stay in business without subsidies or (b) paying off UPRR and its customers in the context of abandonment proceedings.

In the latter case, rather than shift bulk goods from rail to road, most of that particular industrial activity would simply disappear from the peninsula altogether. It theory, it might be replaced by other industrial activity compatible with light freight, creating new jobs and tax revenue for cities.

In practice, replacement would not happen without a political commitment to support the emergence of such industry via soft loans etc. That goes against the grain in California, especially as long as there is no shortage of private investment in knowledge-based businesses like software development and biotech. Those, however, require special skillsets that laborers in heavy industry do not have. For them, an end to heavy freight rail in the SF peninsula could mean looking for work in the East Bay or moving out of the

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## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

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area altogether.

[Reply](#)

**bikerider** [15 August, 2009 19:28](#)

*The alternatives are (a) to spend hundreds of millions extra on the grade separations just so the Port of SF, Granite Rock and a handful others can stay in business without subsidies or (b) paying off UPRR and its customers in the context of abandonment proceedings.*

Or (c) : implement the Altamont alternative, which requires just 3 tracks to accommodate HSR+Caltrain. The 4th (pre-existing) track can be left "as-is" (at-grade) to be used by freight and legacy operators.

[Reply](#)

 **Rafael** [16 August, 2009 11:25](#)

@ bikerider -

keeping freight at grade would mean retaining grade crossings incl. signaling, gates, bells etc. However, the majority would not have to be closed more than a couple of times a day. Perhaps more importantly, turnouts to existing freight spurs would not need to be modified.

The space next to the remaining freight track could be converted into a bike path, cp. SMART up in Sonoma county.

Three elevated tracks on a wide aerial with two rows of columns may be good enough for HSR + Caltrain if the timetable is fully integrated and the switches long enough to be used at 125mph.

As Clem has pointed out before, three tracks would be easier to implement than two in places where the ROW is narrow, e.g. San Mateo. Operationally, four tracks at the same grade is preferable, even if an additional freight-only track remains at grade.

However, your idea of 1 at-grade + 3 elevated tracks has absolutely zip to do with Altamont vs. Pacheco.

Getting HSR across the bay at Dumbarton would require a new tall bridge, perhaps hugging the eastbound lanes of the existing road bridge before switching to the available median in the eastern approach (impact on toll booth). In Union City, a subway tunnel would be required under Decoto, with a station next to BART. This would connect to an S-shaped bored tunnel across to Pleasanton.

The UPRR right of way between Newark and Niles is not available. The eastern approach to the old rail bridge lies within the boundary of the Don Edward National Wildlife Refuge.

The cost of the new bridge plus the tunnels would make Altamont-via-Dumbarton at least expensive than Pacheco. At the very least, the Manteca-Merced section of phase II would be shifted into phase I of the project. Altamont-via-Dumbarton would also do nothing to grade separate Caltrain south of Redwood City and, be subject to just as much NIMBY opposition as the Pacheco route.

[Reply](#)

 **Rafael** [16 August, 2009 11:46](#)

@ bikerider -

CORRECTION: Altamont-via-Dumbarton has another major drawback in that it forces the starter line to split, reducing service frequency to both SF and SJ. Especially early on, high train frequency is essential for building ridership for the new system. Having the option of stopping any given train in both SF and SJ ensures high seat capacity utilization into the CV and down to SoCal.

Unfortunately, thanks to the BART extension, there is now no obvious way to run HSR tracks between Union City and San Jose Diridon via Milpitas. Since

## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

San Jose will never in a million years accept being cut out of the HSR network altogether, that implies splitting the line at the Redwood City wye.

Ergo, anyone who casually advocates "Altamont" (via Dumbarton) in the belief that it would keep HSR out of Silicon Valley should perhaps reflect on the constructability of that approach, especially that of the connection south to San Jose Diridon.

[Reply](#)

**bikerider** [16 August, 2009 13:53](#)

*Unfortunately, thanks to the BART extension, there is now no obvious way to run HSR tracks between Union City and San Jose Diridon via Milpitas.*

@Rafael: Then perhaps you better warn the CHSRA about this fatal flaw in their plans. They've already selected a SJ-Fremont HSR corridor and even done considerable environmental work studying it.

[Reply](#)

**Rafael** [16 August, 2009 16:05](#)

@ bikerider -

we're getting a bit off the topic of freight in the peninsula here, but what you are referring to is part of the "high speed commuter overlay" which is not part of the core network and therefore unfunded.

The status of the Altamont Corridor Project is documented [here](#).

NO specific alignment was selected as of May, scoping is still ongoing.

I suspect this will quickly morph into an effort to improve frequency, punctuality and line haul time for ACE, with a new Modesto-Oakland service.

Intermodal transfers to BART may become possible in Livermore (all trains) and in Union City (Modesto-Oakland trains only). Intermodal transfers to Amtrak CC could remain possible in Fremont Centerville (Stockton-SJ trains only).

With parking limited at SJ Diridon and Tamien and constraints on double-tracking the Alviso line, a subset of trains could perhaps use the alternate Milpitas line, with a BART intermodal at Fremont Warm Springs.

AECOM, the outfit CHSRA hired for EIR/EIS consulting on the corridor, will figure out soon enough that there just isn't enough ridership potential or money to build a fully grade separated solution or even a radically different alignment.

This is a candidate for incremental tinkering up to "emerging HSR" at up to 110mph in the CV and more like 79-90mph west of Altamont. Think trackage on UPRR tracks and upgrades to sections of UPRR ROW, FRA-compliant diesel equipment (possibly fuel-sipping DMUs), retained grade separations with quiet zones (liability issues permitting) and priority for passenger trains.

[Reply](#)

**Alon Levy** [16 August, 2009 16:27](#)

Ugh. Why doesn't California investigate going the TGV route, electrifying the Altamont corridor and upgrading its signaling so that it can run HSR trainsets on it?

[Reply](#)

**bikerider** [16 August, 2009 17:19](#)

@Rafael: Which segment are we talking about, SJ-Fremont or Fremont-Merced? Make up your mind.

SJ-Fremont is a no-brainer. It is part of the official HSR plan (SJ-Oak), and also a matter of State Law (AB 3034, Sec(2), Par (C)). Quentin Kopp and

## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

Rod Diridon have given their personal assurance that the World's Best Consultants have deemed this route feasible, so obviously we have no reason to doubt them.

As for Fremont-Merced, you know full well that the weasel words "Altamont overlay" came much later in the process. There is \*nothing\* in the Central Valley-Bay Area EIS that found a HSR Altamont route to be infeasible. And as far as UP is concerned (bringing this back to the issue of heavy freight), Altamont has far fewer impacts on UP operations.

[Reply](#)

 **Rafael** 16 August, 2009 18:21

@ Alon Levy -

FRA rules currently point blank prevent running HSR trains on the same tracks as heavy freight trains. Besides, afaik UPRR still runs something like 25 freight trains a day through Altamont, so they're not going to sell trackage rights for operations based on anything that isn't FRA-compliant.

A dedicated HSR alignment via Altamont *in addition to* one via Pacheco would be prohibitively expensive at this point.

Perhaps in addition to ACE, Amtrak CC could be upgraded to 110mph north of Benicia with some bypass tracks and, its route changed to enable an intermodal transfer at either Union City or Fremont Warm Springs BART. There's already a shuttle bus between SF and Emeryville.

@ bikerider -

SJ-Fremont is an integral part of the Altamont Corridor Project, i.e. the separate overlay. I was simply trying to giving you some context.

The assurances of constructability you refer to are a decade old. Even then, engineers referred to the I-880 section as "extremely challenging".

In particular, Santa Clara county voters yet again endorsed the BART extension down to Santa Clara and the once-available medians of hwy 262 (a city street) and I-880 have been asphalted over.

An partially alternate alignment past the SJC terminals and across to I-880 via aerials over Trimble was considered as well. Independently, the Bay Rail Alliance's proposal for [Caltrain Metro East](#) to Union City [suggests](#) using UPRR's Milpitas line instead of I-880, but the section between 101 and Niles is still used for freight.

To date, UPRR has not shown any willingness to sell air rights above any of its ROWs to enable the construction of grade-separated passenger-only tracks for non-compliant rolling stock, citing concerns about liability. Note that CHSRA's latest plans for LA-Anaheim do include a 5+ mile aerial section above a BNSF yard, but that's a different company. I don't know if VTA would permit stacking HSR tracks above BART in the WPML.

Even if air rights above someone else's tracks or city streets could be secured between I-880/Trimble and Niles, there's still the issue of the Hayward fault that runs parallel and right next to that section. It's considered California's second most dangerous fault right now, after the southern San Andreas.

Delaying the whole HSR project twice without preserving that particular ROW for it means dedicated HSR tracks between SJ Diridon and Niles are not longer feasible IMHO. Trains can't fly and freeway corridors aren't a terribly realistic option unless there's an available median.

If you think I'm wrong and there still is a viable ROW for bullet trains between SJD and Niles that doesn't involve tunneling, by all means let's hear it. Believe me, I've looked - just in case CHSRA can't secure a ROW down to Gilroy.

HSR and UPRR just don't mix as well as HSR and BNSF.

[Reply](#)

**mike** 16 August, 2009 18:46

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## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

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*Bottom line is that the idea of removing freight doesn't solve any political problems*

Did anyone claim that it did? You're nominally responding to me, but your response seems to be orthogonal to anything in my post. Maybe you're trying to respond to someone else here, but it certainly isn't clear.

[Reply](#)

**bikerider** [16 August, 2009 22:08](#)

*SJ-Fremont is an integral part of the Altamont Corridor Project, i.e. the separate overlay. I was simply trying to giving you some context. The assurances of constructability you refer to are a decade old. Even then, engineers referred to the I-880 section as "extremely challenging".*

@Rafael: True HSR service SJ-Oak (through Fremont) was part of the Central Valley-Bay Area EIR/EIS. That study was completed in 2008 -- not "a decade ago". The East Bay has more population than either SF or South Bay, so clearly any difficulties in the Oak-SJ segment will catastrophically affect the EIR/EIS ridership analysis.

So if you believe there to be a fatal flaw in CHSRA analysis, then by all means call up Stuart Flashman, or city attorneys for Menlo Park and Atherton. No doubt they will find your info quite useful in their lawsuit challenging the accuracy of EIR/EIS.

[Reply](#)

**Alon Levy** [17 August, 2009 12:18](#)

*FRA rules currently point blank prevent running HSR trains on the same tracks as heavy freight trains.*

...except on tracks where PTC/ATS guarantees time separation.

[Reply](#)

**flowmotion** [17 August, 2009 22:49](#)

@ mike - Apologies, that was a general comment.

The tone of the comments here seem to imply that one could pacify Peninsula NIMBYs by with "less obtrusive" construction that isn't freight compatible.

IMO, this is incorrect because the locals aren't reacting to any specific engineering proposals (CAHSR has none), while it only creates other very formidable political problems beyond what was expected.

[Reply](#)

**Rafael** [18 August, 2009 22:43](#)

@ flowmotion -

CHSRA has stated that nothing has been decided in the peninsula or for that matter, any other segment. They have to say that to comply with the CEQA process.

However, they did base their cost estimates on a first cut spelling out specific implementation details: zoom in on the peninsula section of CHSRA's [Google map](#) of the route and the [Caltrain corridor portion](#) of [Appendix 2-D](#) of the Final Bay Area to Central Valley Program EIR/EIS. It's dated 05-04-07 and was online long before the election.

Now, even a casual look at these documents will reveal that they are preliminary. Indeed, in some cases, they call for 3.5% gradients (too steep for freight), retained fill embankments on top of road underpasses (too heavy) and other questionable tidbits. Therefore, the first cut for rough cost estimates should not be considered a blueprint for actual construction. We're not in the final engineering phase of the project yet.

The technical and financial viability of any alternative concepts studied in the



## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

context of project-level EIR/EIS will be de facto evaluated against this baseline.

[Reply](#)



**BruceMcF** 19 August, 2009 13:17

flowmotion said...

"@ mike - Apologies, that was a general comment.

*The tone of the comments here seem to imply that one could pacify Penninsula NIMBYs by with "less obtrusive" construction that isn't freight compatible.*

*IMO, this is incorrect because the locals aren't reacting to any specific engineering proposals (CAHSR has none), while it only creates other very formidable political problems beyond what was expected."*

The question is not whether a particular design will pacify NIMBY's, but whether a particular design will undermine the ability of NIMBY's to mobilize support and act as an effective obstacle to successfully upgrading the corridor for HSR and higher speed, higher frequency, electric Caltrain services.

It would be silly for an HSR supporter to get wed to a particular option when there are a range of options that gets the job done.

Option 1: Slow tracks accommodate 1% (1:100) gradient, 30 tonne axle load mainline freight traffic. Fast tracks could have a 2.5% (1:40) or 3% (1:33) gradient, and need only accomodate 17 tonne axle loads, but they would not normally have a separate elevation, so that would only be useful in presenting a softer "face" for viaducts in the FSSF configuration.

Option 2: Both slow and fast tracks are 17 tonne axle load, 3% (1:33) gradient lines, so only freight that can mimic passenger trains can have access.

Option 3: Slow tracks are 22.5 tonne axle load, 2.5% (1:40) gradient lines, fast tracks are 17 tonne axle load, 3% (1:33) gradient lines, so with electric locomotives, single stacked container freight and 3/4 loaded hopper cars could go through, but, eg, triple high car carriers would be out.

Obviously, underground stations and diesel freight do not mix, so option 1 rules out underground stations, while options 2 and 3 are compatible with underground stations, if someone comes up with the incremental cost.

[Reply](#)



**Rafael** 22 August, 2009 14:23

@ BruceMcF -

if any tracks are limited to 1% gradient and infrequent elevation changes, they might as well all be.

The key issue is that grade separations are more difficult to implement wherever tracks ascend or descend. A 25 foot elevation change at 1% gradient requires a run length of 2500 feet.

[Reply](#)



**neroden@gmail** 24 August, 2009 06:36

So, what is the collection of customers?

North of Redwood City, that is.

Granite Rock seems to be the "heaviest" customer. Can their aggregates traffic be served by barge instead? They seem very close to the shore.

The Port of San Francisco is a ridiculousity. Can they be relocated to somewhere else in the Bay? :-)

[Reply](#)

## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued

 [Arthur Dent 25 August, 2009 12:35](#)

Let me get this straight.

1. Freight requires a longer length of elevated track for crossings than HSR or Caltrain.
2. Freight has more burdensome construction requirements when underground.
3. Freight traffic is infrequent along the Caltrain ROW.
4. Freight does not require grade separations.

A practical solution is to:

1. Leave freight above ground 'as is'. Use existing overpasses, underpasses and at-grade crossings.
2. Tunnel the passenger/commuter service underground.

This is a compromise which addresses multiple stakeholders (one of the major issues that's screwing up the Peninsula is that stakeholders are not willing to acknowledge each other's existence and legitimate points of view).

The stakeholder positions are:

1. Maintain community livability along the corridor (includes shopping, working, traveling through, etc.)
2. Ability to provide freight service.
3. Add new HSR service.

For those who insist on using the N-word, note that the first two stakeholders are already in existence. IOW, they were here first. A genuine willingness to look at the situation from another's perspective would greatly improve the project's prospects.

[Reply](#)

 [Bianca 25 August, 2009 13:17](#)

Arthur Dent,

That sounds reasonable, but I have a few questions:

1) how does the tunnel for commuter and HSR get paid for, if the air rights over the ROW are not available for development?

2) If freight is the sole user of the ROW at grade, would it still be limited to overnight use, or would UPRR have the right to run freight trains all day and all night? Without Caltrain sharing the tracks, what would prevent UPRR from using them 24 hours a day? Having freight at grade, day and night, seems to conflict with maintaining "community livability along the corridor."

In that scenario, a very large amount of money has been spent for a tunnel, without any tangible benefit to the surrounding communities.

[Reply](#)

 [Arthur Dent 26 August, 2009 09:17](#)

@Bianca --

1) Pay for it the same way the rest of the project is paid for. Isn't it odd that a couple real estate developers come up with the idea to sell land rights so they can develop the existing strip owned by Caltrain, and suddenly everyone thinks that's the only way a tunnel can be paid for? If a tunnel is what's appropriate for all involved (as I pointed out, HSR is only one stakeholder) then they're obligated to build it that way - and pay for it as a normal part of the project.

I don't see anyone suggesting that Rod Diridon's neighborhood be handed the bill for the tunnel that's proposed through his Santa Clara neighborhood.

2) *Without Caltrain sharing the tracks, what would prevent UPRR from using them 24 hours a day?*

UPRR's restrictions would continue to apply since they'd continue to share tracks above ground.

The tangible benefit is that the bulk of the future track service (passenger/commuter trains) will be routed underground, leaving only the hard-to-engineer and infrequent freight service above ground.

[Reply](#)

## Submission B002 (Elizabeth Goldstein Alexis, Californians Advocating Responsible Rail Design (CARRD), June 10, 2016) - Continued



**Bianca** [26 August, 2009 09:59](#)

@ Arthur Dent,

Would you clarify something for me? First you said:

2. *Tunnel the passenger/commuter service underground.*

Then you said:

*UPRR's restrictions would continue to apply since they'd continue to share tracks above ground.*

If both HSR and Caltrain are tunneled as you state in your previous comment, with whom is UPRR sharing the tracks?

The notion that HSR is going to pay for the tunnel because the Peninsula communities are special snowflakes and want it isn't going to get far. When BART was going through Berkeley, it was Berkeley that demanded the tunnel, and they came up with the money by taxing themselves with a bond measure. I don't see this situation playing out any differently.

[Reply](#)

**Jonathan** [31 January, 2013 14:59](#)

I recognize that a 1% maximum grade is optimal if one is designing a freight-compatible railway from scratch, but if we're talking about only a handful of trains per night, wouldn't it be possible to build with steeper grades and use operating techniques frequently applied in mountain railroading? Plenty of heavy freight main lines reach grades of 2% (<http://www.alkrug.vcn.com/rrfacts/grades.htm>), never mind the 4.7% grade on the infamous Saluda Pass. Surely the cost of additional locomotives and fuel consumption would be more than made up by the savings in terms of concrete and community impact on the peninsula corridor.

[Reply](#)

Comment as: Unknown (Goo ▾)

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## Submission B003 (Gary Patton, Community Coalition on High-Speed Rail, June 10, 2016)

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**Gary A. Patton, Attorney At Law**  
Post Office Box 1038, Santa Cruz, California 95061  
Telephone: 831-332-8546 / Email: [gapatton@gapattonlaw.com](mailto:gapatton@gapattonlaw.com)

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June 10, 2016

Mark A. McLoughlin  
Attn: San Francisco to San Jose Project Section  
California High-Speed Rail Authority  
100 Paseo de San Antonio, Suite 206  
San Jose, CA 95113

RE: Comments On Notice of Intent / Notice of Preparation for  
San Francisco To San Jose Section of Proposed Statewide  
High-Speed Rail (HSR) System **<Corrected>**

[Sent By Email: [san francisco\\_san.jose@hsr.ca.gov](mailto:san francisco_san.jose@hsr.ca.gov)]

Dear Mark A. McLoughlin:

The following comments are being submitted on behalf of the Community Coalition on High-Speed Rail (CC-HSR). CC-HSR has been working on high-speed rail issues since 2008. The comments herein are submitted in response to a Notice of Preparation (NOP) for the above-referenced project, dated May 9, 2016, and a Notice of Intent (NOI) that was published in the *Federal Register* on the same date.

The comments of the Community Coalition On High-Speed Rail are as follows:

1. Both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) require that agencies carrying out a project that might have a significant adverse impact on the physical environment must prepare an Environmental Impact Report (EIR), in the case of CEQA, or an Environmental Impact Statement (EIS), in the case of NEPA. Both CEQA and NEPA require that the agency preparing the EIR or EIS must analyze the environmental impacts of ALL parts of the project. The law is very clear that the required environmental analysis may not be “segmented” or “piecemealed.”

In this case, as revealed in the Notice of Preparation and Notice of Intent, the Authority recognizes that the San Francisco to San Jose Section of the Proposed Statewide High-Speed Rail System is a “blended” project, to be carried out in conjunction with the Caltrain Joint Powers Board, which controls the right of way proposed to be used in the project. The NOP and NOI both state that the proposed project would utilize

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## Submission B003 (Gary Patton, Community Coalition on High-Speed Rail, June 10, 2016) - Continued

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“in-progress” infrastructure, to be built by Caltrain. In fact, the environmental analysis undertaken in connection with the Caltrain “in-progress” proposal (Caltrain’s “electrification” or “modernization” project) was not prepared to conform to legal requirements, and at the current time there is no adequate and required environmental review for that “in-progress” portion of the proposed blended system. The analysis carried out by Caltrain ignored the CEQA and NEPA prohibition on “piecemealing,” and the legal inadequacy of the environmental review carried out with reference to the Caltrain “electrification” and “modernization” project has been challenged in litigation to which CC-HSR is a party.

In connection with the project that is the subject of this NOP/NOI, the Authority should work with Caltrain to insure that the process results in an EIR/EIS that does *not* ignore the prohibition against piecemealing. The Authority, in doing an environmental analysis of the project outlined in the NOP/NOI, cannot properly assume that the so-called “in-progress” infrastructure related to the electrification of the Caltrain right of way has been subject to the legally required environmental review. As you establish the scope of the EIR/EIS that is contemplated in the NOP and NOI, please insure that no piecemealing occurs. This will probably mean that you will have to redo the environmental review that was not properly carried out by Caltrain. In whatever way the issue is resolved, this legal prohibition against “piecemealing” is a key issue for the Authority in developing the correct “scope” of the environmental review to be carried out on the project you are now proposing to undertake.

2. Specific issues that need to be analyzed, with respect to the prohibition on piecemealing, include but are not limited to all of the following:
  - Track curvature issues, and their community impacts
  - The need to condemn property for expansion of the right-of-way
  - The potential for accidents unless an integrated Positive Train Control (PTC) system is utilized
  - Station and platform issues of various kinds, especially since it appears that the integration of the two separate projects is currently contemplating that there will be two different platform loading heights on rail cars using the Caltrain right of way.
  - Traffic congestion and noise impacts caused by the “blended” system being proposed (as further discussed in this comment letter).



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## Submission B003 (Gary Patton, Community Coalition on High-Speed Rail, June 10, 2016) - Continued

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3. The NOP and NOI indicate that the Authority intends to “tier” its environmental review of the presently-proposed project off of a 2005 Statewide Programmatic EIR and a 2008 Bay Area to Central Valley Programmatic EIR. In fact, the project now proposed is fundamentally different from the project contemplated in the earlier programmatic environmental documents, and an analysis that reexamines all aspects of the statewide project is necessary, including an analysis of routing alternatives that could reduce or eliminate significant adverse environmental impacts that would result from the currently-proposed project on the Peninsula.
4. The EIR/EIS for the project proposed on the San Francisco to San Jose segment of the statewide system must consider all of the potentially negative impacts of right of way widening that will, or that may be, needed to carry out the currently-proposed project. This includes the environmental impact of even “temporary” widenings for the construction of so-called “shoo-fly tracks,” needed as a way to maintain existing Caltrain service during the time that project construction is taking place on the existing right of way
5. The NOP and NOI do not indicate that the EIR/EIS to be prepared for the currently-proposed project could have massively disruptive impacts on freight service along the current Caltrain right of way. The Union Pacific Railroad (UPRR) has proprietary “trackage” rights that will allow UPRR either to prohibit new uses on the Caltrain right of way altogether, or will permit UPRR to demand that the right of way be widened to eliminate conflicts, such widening to include the construction of concrete barriers between tracks to be used for freight service and tracks to be used for passenger service. The EIR/EIS must fully analyze the potential need for widening of the right of way, and must document all of the very significant environmental impacts that may occur because of this possibility.
6. The Authority has recently (in its 2016 Business Plan) “reoriented” the proposed project to designate an initial operating segment from the Central Valley to San Jose. The project described in the NOP/NOI is directly related to this proposal, and could have massive growth inducing impacts on the Central Valley. These impacts must be explored in the EIR/EIS.
7. The NOP/NOI mentions the need to evaluate land use and zoning impacts. On the Peninsula, the project may stimulate the “up zoning” of properties along the Caltrain right of way to permit higher residential densities and mixed commercial and residential uses, which would be a fundamental change from current land use and zoning. The EIR/EIS

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## Submission B003 (Gary Patton, Community Coalition on High-Speed Rail, June 10, 2016) - Continued

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must fully evaluate these kind of impacts, and identify mitigation measures to help reduce or eliminate any adverse environmental and community impacts that would likely be generated by such land use changes.

8. Potential danger from terrorist attacks and the impact of the new facilities on suicide need to be documented, explored, and analyzed in the EIR/EIS.
9. It appears that the NOP and NOI do contemplate the full evaluation of the environmental impacts of both the connection of the current Caltrain tracks to the Transbay Terminal, and the environmental impacts that will be generated if the project is built *without* that connection being achieved. Particularly in the latter case (which the NOP and NOI indicate is to be expected) the environmental impacts within the City of San Francisco, and to transportation between the Peninsula and San Francisco, are almost certain to be extremely adverse.
10. How the project will affect noise impacts on the residential and business districts of the Peninsula is a topic that must be fully explored in the EIR/EIS. The environmental analysis should explore how “quiet zones” can be provided in connection with the project as mitigation for the very significantly increased horn noise that can be predicted if the project proceeds as currently contemplated.
11. The above list outlines some of the key issues that the EIR/EIS for the proposed project must address. The MAIN environmental issues that must be addressed, however, relates to the incredibly dramatic increase in train traffic that would occur if the proposed project were implemented as currently proposed.
12. The Authority’s proposal would dramatically increase the number of trains per weekday from 92 to 220 (more than double), and would have disastrous consequences for Peninsula communities in the absence of grade separations—especially during the morning and evening peak travel times (7-9 a.m. and 4-6 p.m.). During those peak travel times the Authority plans to run 10 trains per hour in each direction (6 Caltrain and 4 HSR), for a total at each grade crossing of 20 trains per hour. This means an average of one train at each grade crossing once every three minutes. As currently proposed, the trains will run at significantly increased speeds, from the present 79 mph to 110 mph. This is close to a 40% increase. This increase in speed will roughly double the stopping distance for the same passenger train.
13. The grade crossing numbers are staggering to contemplate. Increasing by 128 the number of trains per weekday at each of the 42 non-grade

## Submission B003 (Gary Patton, Community Coalition on High-Speed Rail, June 10, 2016) - Continued

separated grade crossings on the Peninsula will result in an additional 5,376 instances every weekday of a high-speed train (Caltrain or HSR) crossing a vehicular intersection on the Peninsula. That's 26,880 more such crossings every five-day week. Weekend crossings would be additional and would make the overall picture even worse.

14. To translate these numbers to a local community, there are twelve grade crossings along the roughly two-mile distance between downtown Burlingame and downtown San Mateo.<sup>1</sup> The 128 added weekday trains will result in an additional 1,536 instances, every weekday, of a high-speed train crossing these twelve grade crossings. That's 7,680 more every five-day week, plus more on weekends. Noise impacts, not to mention traffic congestion impacts, would be extremely adverse. Federal law requires the train operator to sound the train's very loud horn well before and also at each grade crossing in the absence of so-called "quiet zones."
15. The existing Burlingame grade crossing at Oak Grove and Carolan Avenue and Oak Grove at California Drive are already at the F Level of Service (LOS).<sup>2</sup> Similarly, three other existing Burlingame grade crossings are already at the D Level of Service,<sup>3</sup> namely, Oak Grove and California Drive, North Lane at Carolan Avenue, and North Lane at California Drive.<sup>4</sup> For each of these intersections, the additional trains during morning and evening peak times will make them virtually impassable. The ability of vehicles to cross the other grade crossings in the corridor between downtown Burlingame and downtown San Mateo will surely degrade significantly with the huge increase in the number of trains.

This can be seen in the following graph, part of the Caltrain/California HSR Blended Operations Analysis, which shows the interactions of northbound (red) and southbound (blue) trains at each of the Peninsula train stations during the 7 a.m.-9 a.m. peak travel times.<sup>5</sup> On this graph,

1 Burlingame: Oak Grove, North Lane, Howard Avenue, Bayswater Avenue, Peninsula Avenue. San Mateo: Villa Terrace, Bellevue Avenue, First Avenue, Second Avenue, Third Avenue, Fourth Avenue, Fifth Avenue.

2 LEVEL OF SERVICE F: "Considered to be unacceptable to most drivers. Often occurs with oversaturation, that is, when arrival flow rates exceed the capacity of the intersection. Poor progression and long cycle lengths may also be major contributing causes to such delay levels. Queues may block upstream intersections."

<http://www.caltrain.com/Assets/Caltrain+Modernization+Program/Blended+System/Caltrain-HSR+Blended+Grade+Crossing%26Traffic+Analysis-Appendix.pdf> Table E-2.1, p. 19

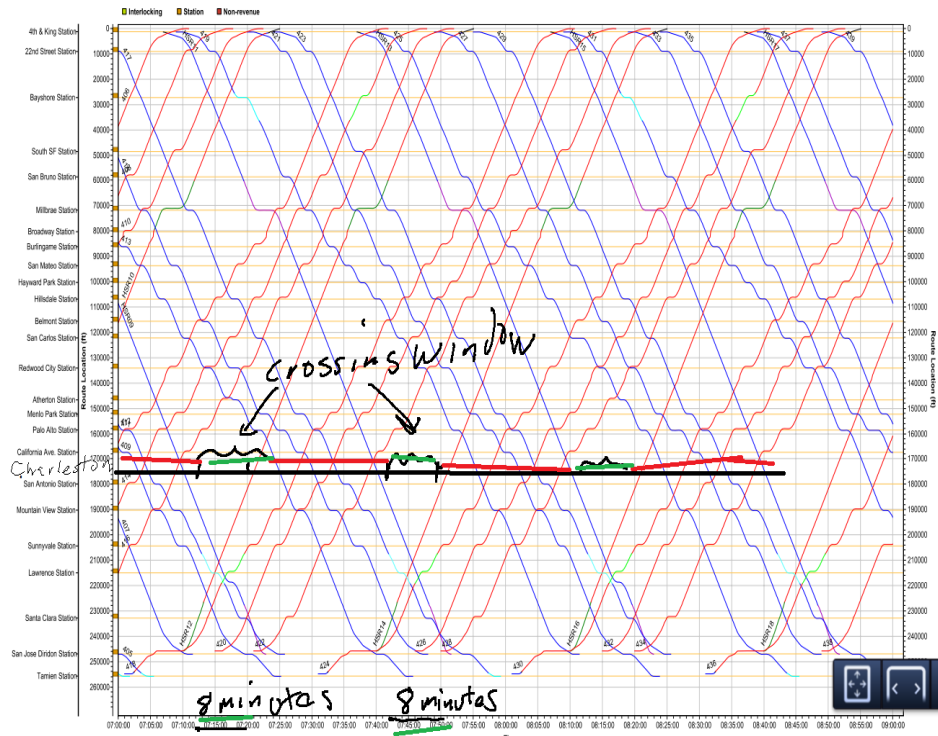
3 LEVEL OF SERVICE D: "The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high v/c ratios. Many vehicles stop, and the proportion of vehicles not stopping declines. Individual cycle failures are noticeable. Queues may develop but dissipate rapidly, without excessive delays."

4 <http://www.caltrain.com/Assets/Caltrain+Modernization+Program/Blended+System/Caltrain-HSR+Blended+Grade+Crossing%26Traffic+Analysis-Appendix.pdf> Table E-2.1, p.19

5 The original graph was made by LTK Engineering Services as part of the Caltrain/California HSR Blended

## Submission B003 (Gary Patton, Community Coalition on High-Speed Rail, June 10, 2016) - Continued

time is shown horizontally for the 7 a.m.--9 a.m. peak time period.  
Distance is represented by the Caltrain stations on the Peninsula shown on the vertical axis from north to south.



However, this graph is only for the minimum Caltrain/HSR “blended system” combination on the existing infrastructure, namely six Caltrain trains plus only one HSR train per hour in each direction for a total of fourteen trains per hour. Even at this minimal configuration, as noted by Friends of Caltrain, “Bunching makes the situation worse, with gates down nearly continuously for 20 minutes at a time (emphasis added).”<sup>6</sup>

Operations Analysis of March 2012. Appendix B includes graphical time-distance (“string”) charts that reflect the peak period simulated train performance of all of the trains operating in the Caltrain Corridor in each scenario. Fig. 12, p. 57 for 6 Caltrain trains plus 1 HSR train per hour on the existing infrastructure..

<http://www.caltrain.com/Assets/Caltrain+Modernization+Program/Documents/Final-Caltrain-California+HSR+Blended+Operations+Analysis.pdf>

6 Caltrain trains plus 1 HSR train per hour on the existing infrastructure.

<http://www.greencaltrain.com/2016/02/high-speed-rail-to-bay-area-first-how-will-this-affect-the-caltrain-corridor/>

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## Submission B003 (Gary Patton, Community Coalition on High-Speed Rail, June 10, 2016) - Continued

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See, e.g., the heavy red and green horizontal lines added by Friends of Caltrain for the Charleston grade crossing in Palo Alto which shows only a few “crossing windows” of about 8 minutes each.<sup>7</sup>

Just imagine adding to this graph six more vertical red lines (representing the 3 added northbound HSR trains per hour) and six more vertical blue lines (representing the 3 added southbound HSR trains per hour) for the depicted 7 a.m.--9 a.m. peak travel time. That would accurately envision the planned twenty trains per hour, ten in each direction consisting of six Caltrain trains and four HSR trains.<sup>8</sup> Predictably, this train configuration would give rise to local traffic paralysis at many locations just when most people are driving to work, school, medical appointments, etc.

16. Instead of acknowledging that grade separations are an essential element of their joint Peninsula Rail Project, both the High Speed Rail Authority and Caltrain attempt to evade responsibility for solving this mission-critical problem that they—and no one else—are jointly creating. First, each tries to limit its responsibility to only the incremental increase it contributes to the total number of trains; e.g. only 4 HSR trains of the 10 trains per hour in each direction at peak travel times. This is just another form of “piecemealing” (dividing up the project instead of considering all of it) which is most inappropriate in a joint project, and violates CEQA, as earlier noted. Second, both the Authority and Caltrain attempt to shift primary, if not total, responsibility for solving their joint Peninsula Rail Project problem by labeling it a local and/or regional problem—as if labeling could make it so. Both Caltrain and the Authority well know that local communities on the Peninsula totally lack the financial resources to assume such responsibility. Thus, this attempt to transform the problem of their joint Peninsula Rail Project to a local/regional problem is just a cynical way of denying these local communities the grade separations they will need to cope with the massive impacts of the huge increase in the number of fast-moving trains.
17. High Speed Rail's sudden reversal of direction from South to North, from going first to Los Angeles/Anaheim to now going first to San Jose/San Francisco, has profound unforeseen consequences not yet realized. These result largely from the unprecedented change in the projected completion date for high speed rail on the Peninsula; it changed virtually overnight

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<sup>7</sup> Ibid.

<sup>8</sup> Unfortunately, the Caltrain report does not include such a graph showing all 20 trains per hour during peak times on the existing infrastructure. If it existed, however, it would most likely look a lot like the graph displayed in Appendix A hereto—only more so—because that graph depicts 6 Caltrain trains plus 3 HSR trains per hour in each direction on the existing infrastructure.



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## Submission B003 (Gary Patton, Community Coalition on High-Speed Rail, June 10, 2016) - Continued

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from an estimated 2029 to an estimated 2019. This means that there is now neither the time nor the money for the Authority and Caltrain available properly to prepare the densely urbanized Peninsula for high-speed train service, especially with respect to the grade separations required at most if not all existing grade crossings. As a result, total catastrophe is likely. The EIR/EIS must fully assess the environmental dimensions of that catastrophe, and document the mitigation measures necessary to prevent it from occurring.

18. The recently rescinded 2029 completion date for high speed rail on the Peninsula was a challenge, but workable. It gave the HSR Authority about a 10-year window within which, if it gave it a proper priority, it might arrange funding for the needed grade separations and construct them on an expedited basis. It can still go this route, by having HSR passengers change to/from Caltrain bullet trains at San Jose during a transitional period during which the necessary grade crossings could be funded and constructed on an expedited basis. There would be a strong incentive to get this work completed as quickly as possible in order to be able to start running HSR trains from San Jose to San Francisco.<sup>9</sup> This is surely one of the alternatives that must be rigorously reviewed in the EIR/EIS. Absent this kind of alternative approach, communities would be experiencing unacceptable traffic, noise and suicide impacts on a daily basis, which would likely go on and on, interminably. Fact of life: the more trains it tries to run before most of the needed grade crossings are completed, the longer it will take and the more it will cost. Again, it is vitally important that this alternative be thoroughly evaluated in the EIR/EIS.
19. At present, HSR has only committed itself to only a handful of grade separations on the Peninsula. This is in marked contrast to both the Central Valley and the Los Angeles basin where the High-Speed Rail Authority has taken responsibility for needed grade separations. Since the Peninsula is one of the most densely populated urban areas in California, and therefore more in need of grade separations, this disparate treatment is totally unjustifiable. The consequences of attempting to treat the Peninsula in this way must be fully analyzed in the EIR/EIS.
20. In view of the massive and paralyzing traffic disruption that the project would cause, if constructed as currently proposed, it is imperative that the Authority fully explore in the EIR/EIS an alternative project design that would either provide grade separations, as part of the project, at every major impacted intersection, or that would place the trains in an

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<sup>9</sup> During such a transitional period, the Caltrain electrification project and the DTX connection to the Transbay Terminal would presumably be completed.

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Submission B003 (Gary Patton, Community Coalition on High-Speed Rail, June 10, 2016) - Continued

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underground trench or tunnel. Indeed, it seems obvious that the project could ONLY be carried out, feasibly, if a such a solution were employed, or if the routing was changed off of the currently-proposed Caltrain right of way.

As you can see, CC-HSR believes that the environmental impacts of the proposed project would be major, and we believe that the Authority must fully evaluate them, and design a project that would eliminate them. The analysis must incorporate all parts of the “blended” project being proposed. It is simply not acceptable to pretend that these massive impacts don’t exist, or that the two projects, currently being treated as discrete, separate projects, are not profoundly related.

CC-HSR will very much appreciate you for taking these comments into account.

Yours truly,



Gary A. Patton, Attorney  
Community Coalition On High-Speed Rail

cc: Caltrain Joint Powers Board  
Local Elected Officials  
State Office Holders  
Stuart Flashman  
Other Interested Persons

## Submission B003 (Gary Patton, Community Coalition on High-Speed Rail, June 10, 2016) - Continued

### APPENDIX A

The following graph, part of the Caltrain/California HSR Blended Operations Analysis, shows the interactions of northbound (red) and southbound (blue) trains at each of the Peninsula train stations during the 7 a.m.-9 a.m. peak travel times for 9 trains (6 Caltrain and 3 HSR trains) per hour in each direction on the existing infrastructure.<sup>10</sup> On this graph, time is shown horizontally for the 7 a.m.-9 a.m. peak time period. Distance, as represented by the Caltrain stations on the Peninsula, is shown on the vertical axis from north to south.

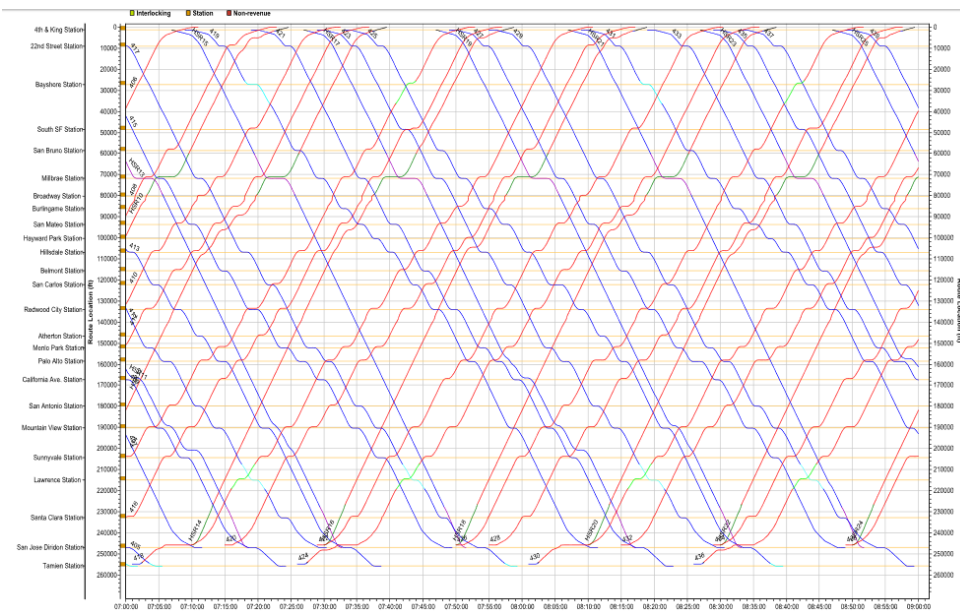


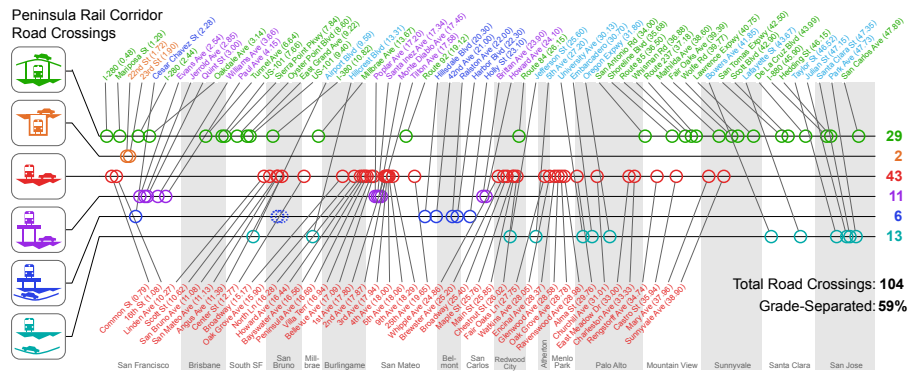
Figure 14. Time-Distance “String” Chart – 7 to 9 AM - 79/79 Baseline Infrastructure 3 HSR TPH

<sup>10</sup> <http://www.caltrain.com/Assets/Caltrain+Modernization+Program/Documents/Final-Caltrain-California+HSR+Blended+Operations+Analysis.pdf> Figure 14, p. 59.

## Submission B003 (Gary Patton, Community Coalition on High-Speed Rail, June 10, 2016) - Continued

### APPENDIX B

The following graphic shows grade crossings on the Peninsula, between San Jose and San Francisco, prepared by [Clem Tiller](#):



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Submission B004 (Gary Patton, Community Coalition on High-Speed Rail, May 24, 2016)

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2995 Woodside Road #400-362, Woodside, CA 94062. For more information please visit: [www.cc-hsr.org](http://www.cc-hsr.org)

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## Don't Let High-Speed Congestion Destroy The Peninsula

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If you think traffic congestion on the Peninsula is a nightmare now, get ready for traffic that will be ten times worse. At this "scoping meeting," raise these questions and make these points:


- ❖ The High-Speed Rail Authority is planning for up to twenty (20) trains per hour on the Caltrain Right of Way. (High-Speed trains on top of Caltrain service). Without Quiet Zones, that is a lot of horn blowing!
- ❖ There are forty-seven (47) at-grade intersections between San Francisco and San Jose, and traffic will be blocked at virtually every one of them.
- ❖ With a train passing every three (3) minutes, and crossing gates coming down, total traffic paralysis will ensue. When asked about this problem, the Authority says, "we're studying it!"
- ❖ Union Pacific has not agreed to permit High-Speed Trains in the Caltrain corridor, and Union Pacific has the right to demand additional right of way, to install concrete intrusion barriers to separate freight and passenger traffic. That could mean a doubling of the width of the rail corridor and the need for massive condemnation of business and residential properties on the Peninsula.

A handwritten signature in black ink, appearing to read "g. patton".

Gary A. Patton, Attorney  
Community Coalition On High-Speed Rail  
Contact CC-HSR By Email: [gapatton@gapattonlaw.com](mailto:gapatton@gapattonlaw.com)



Submission B005 (Adina Levin, Friends of Caltrain, May 25, 2016)

 CALIFORNIA High-Speed Rail Authority		SAN FRANCISCO TO SAN JOSE SCOPING MEETING PUBLIC COMMENT SPEAKER CARD	
NAME:	Adina Levin	DATE:	
REPRESENTING:	Friends of Caltrain	EMAIL:	adina.levin@friendsofcaltrain.com
ADDRESS:		PHONE:	
CITY:		STATE:	
		ZIP:	
DO YOU HAVE A PREPARED STATEMENT THAT YOU WANT TO PROVIDE THE GROUP?		<input type="radio"/> YES <input type="radio"/> NO	
COMMENTS:			

IDENTIFY YOURSELF CLEARLY WHEN ADDRESSING THE GROUP. YOU WILL BE ALLOTTED TWO MINUTES TO PROVIDE PUBLIC COMMENT.

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Submission B005 (Adina Levin, Friends of Caltrain, May 25, 2016)

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1           ADINA LEVIN: Adina Levin with Friends of  
2 Caltrain.

3           So three points:

4           One is, since this is planning and analyzing  
5 alternatives for the blended system, we're interested in  
6 the blended system working as well as possible,  
7 including as good Caltrain service as possible, along  
8 with high-speed rail service.

9           And with that in mind, the different passing  
10 track alternatives can have consequences for the quality  
11 of Caltrain service. The previous studies showed that  
12 the more poorly performing ones could result in a  
13 bunched schedule. And therefor, the schedule for  
14 Caltrain and high-speed rail should be studied with  
15 regard to the passing track options as well as the  
16 opportunity for level boarding, which relates to the  
17 platform compatibility that Caltrain is working on with  
18 high-speed rail. So that's one Caltrain schedule.

19           As well as, it was mentioned previously that  
20 there may be some of the high-speed train service that  
21 would be used by peninsula corridor commuters. So that  
22 would be something to study with regard to the ridership  
23 as part of this study.

24           Number two is with regard to station access.  
25 We're in a transition period between -- in the CEQA

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Submission B005 (Adina Levin, Friends of Caltrain, May 25, 2016) -  
Continued

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1 analysis, between studying level of service and vehicle  
2 miles traveled is the new way. And when you're doing  
3 station access and level streets, looking at level of  
4 service, the historical way of doing it is to say, I  
5 have a traffic jam, so I widen the road, actually making  
6 it harder to get to the station by walking and biking  
7 and transit.

8 And the new way, with vehicle miles traveled,  
9 looks at reducing the vehicle miles traveled and  
10 improving sustainable transportation, reducing traffic  
11 jam, reducing the parking demand.

12 So I would urge you to use vehicle miles  
13 traveled analysis with regard to station access, so we  
14 don't wind up with mitigations that could make our local  
15 streets worse, which is the reason why the CEQA reforms  
16 were proposed to be done that way.

17 And lastly, the presentation discussed the  
18 approach to Diridon and mentioned that there were a  
19 couple of alternatives being considered: An at-grade  
20 alignment and an aerial alignment. And since there are  
21 alternatives being considered, what I have heard is that  
22 that part would not be included in the EIR. However,  
23 given the fact that there are open alternatives, those  
24 issues of the alignment should be considered as part of  
25 this EIR for community impacts and for the rail

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Submission B005 (Adina Levin, Friends of Caltrain, May 25, 2016) -  
Continued

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1 operations.

2 Thank you.

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## Submission B006 (Adina Levin, Friends of Caltrain, June 9, 2016)

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**Response Requested :**

**Affiliation Type :** Businesses and Organizations

**Interest As :** Businesses And Organizations

**Submission Method :** Project Email

**First Name :** Adina

**Last Name :** Levin

**Business/Organization :** Friends of Caltrain

**Email :** adina.levin@friendsofcaltrain.com

**Stakeholder** Mr. Mark McLoughlin

**Comments/Issues :**

Director of Environmental Services

California High-Speed Rail Authority

770 L Street, Suite 1160, Sacramento, CA 95814

Ms. Stephanie Perez

Environmental Protection Specialist

Office of Program Delivery

Federal Railroad Administration

1200 New Jersey Avenue SE., (Mail Stop 20)

Washington, DC 20590

Dear HSRA and FRA staff,

Thank you for the opportunity to provide scoping comments on the EIS and EIR for the California High Speed Rail project from San Francisco to San Jose.

Friends of Caltrain is a 501c3 nonprofit with over 5,000 constituents in the Peninsula corridor from San Francisco through San Jose and beyond. We support successful modernization of Caltrain, integrated into the broader transportation system, including the blended system with High Speed Rail.

Following are comments regarding topics to study in the EIR and EIS.

Impact of passing design on rail schedules. The physical design and operational choices to allow long-distance express HSR trains to pass Caltrain trains will make a big difference in the schedule quality of Caltrain service. The analysis should show schedule scenarios for High Speed and Caltrain trains for the various passing options. Options



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Submission B006 (Adina Levin, Friends of Caltrain, June 9, 2016) -  
Continued

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should include using stations for passing, in addition to passing tracks. The analysis should show impacts on the quality of Caltrain service including the potential for “bunching”, and impact on schedule reliability.

Level boarding. Over the time frame that will be covered in this EIR/EIS, Caltrain is planning to update its platforms to support longer trains for level capacity, and to provide level boarding for accessibility, safety, and speed. The EIR/EIS should include a scenario with level boarding, and should disclose the impacts/benefits on rail service quality and reliability.

Downtown Extension. The Notice of Preparation says that the Downtown Extension of the Caltrain tracks to the Transbay terminal will be addressed in the SF-SJ project section EIR (this EIR). Therefore, the EIR should include updated ridership forecast data, vehicle miles travelled and greenhouse gas emissions impact/benefit data for this component of the overall project. Current options for the DTX project that are considered viable in the Railyard study being conducted by the City of San Francisco should be studied as options in the EIR/EIS.

San Jose approach to Diridon. The High Speed Rail Authority is splitting its coverage of San Jose into two segments - Diridon to San Francisco, covered in SF-SJ, and south of Diridon, covered in SJ to Merced. However, HSRA is proposing to make a major change to its approach to Diridon - coming in at grade instead of in an elevated alignment, with a 3rd track for freight

The at-grade option could cut off one of two entrances to the affected neighborhood; and would impact a low-income neighborhood already cut off and experiencing pollution from the 280 and 87 freeways. All options for the approach, including at-grade, elevated, and below-grade should be studied for impacts on noise, pollution, intersection delay, impact on bicycling and walking, and impact on Caltrain service and other transit services in the area. In addition, the impact on the low-income neighborhood needs to be studied for environmental justice consequences.

There is some ambiguity as to whether the segment will be covered in this

## Submission B006 (Adina Levin, Friends of Caltrain, June 9, 2016) - Continued

upcoming EIR/EIS. Geographically, it is located in the area covered in the SJ-Merced section for which the scoping is deemed to be complete. The new proposed alignment represents a major change for the area with potential impacts, and therefore needs to be studied in the active EIR/EIS process, with impacts disclosed and required to be mitigated where feasible.

Grade separations. The NOP states that the project will include "potential grade separations necessary to support blended operations". Historically, CEQA required analysis of "level of service" - vehicle delay at intersections - to measure impact. But as of late this year or early next, California Environmental Quality Act rules will be changing and LOS will be replaced by VMT/capita as the metric to assess transportation impact under CEQA.

In addition to LOS, we recommend that the following factors be studied in order to support policy decisions.

-

Person-throughput (including non-SOV modes) for the street and rail service

-

Vehicle capacity - number of vehicles through intersection per peak hour (with distribution)

-

For high-volume corridors, corridor travel times between specific reference points

Station access. Projected mode share and person-throughput to the High Speed Rail stations. For station access, VMT/capita should be considered in addition to LOS, considering alternatives that will reduce SOV share and vehicle miles travelled to access High Speed Rail stations. Currently, the Caltrain system has a very high bicycle mode share, relating to the region's land use pattern, with many origins/destinations that are within easy cycling distance. The model for station access should study the potential for robust use of bicycles for station access, especially for day trips and relatively short trips where passengers do not need to

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Submission B006 (Adina Levin, Friends of Caltrain, June 9, 2016) -  
Continued

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transport  
large amounts of luggage. The model for station access should  
include  
current and projected use of TNC systems (Lyft, Uber, future  
variants). The  
EIR/EIS should disclose any impacts on access to HSR stations for  
other  
local and regional transit services (e.g. Caltrain, ACE, Capitol  
Corridor,  
Light Rail, bus service).

As noted, we support the Blended System and are looking forward to  
the  
study of these issues so as to reduce negative impacts and craft a  
blended  
system that provides high value for long-distance, local/regional  
transit,  
and local travel and places.

Thank you for your consideration,

Adina

Adina Levin

Friends of Caltrain

<http://greencaltrain.com>

650-646-4344

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016)

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**Response Requested :**

**Affiliation Type :** Businesses and Organizations

**Interest As :** Businesses And Organizations

**Submission Method :** Project Email

**First Name :** Harvey

**Last Name :** Darnell

**Business/Organization :** Greater Gardner Coalition

**Email :** harveydarnell@yahoo.com

**Stakeholder** Mark A. McLoughlin San Francisco to San Jose Section

**Comments/Issues :** EIR/EIS California High Speed Rail Authority 100 Paseo De San Antonio, Suite 206  
San Jose, Ca 95113

Dear Mr McLoughlin:

Attached below are the San Jose to Merced scoping questions submitted by the Greater Gardner Coalition in 2009 regarding the possible at grade HSR through the Greater Gardner Neighborhood. These questions and comments were submitted to CHSRA in April 2009 when the original program route on the Caltrain Corridor was being considered. Our work with the Authority led to the CHSRA Board and HSR staff agreeing with our conclusions as reflected in the Preliminary Alternatives Analysis Report, June 2010, Executive Summary page ES-1:

“The AA Report also recommends eliminating from further consideration the program alignment through the Greater Gardner community because of potential impacts to the neighborhoods including community cohesion, noise/vibration, visual, impacts on Fuller Park and displacement of a nonprofit (house of worship). The recommended alternative (SR 87/I-280) would minimize impacts by utilizing the existing freeway corridors for much of the approach to the station and would move the alignment away from the Greater Gardner neighborhood.”

Since the HSR staff is now in 2016 reconsidering a 3 track alignment through the Greater Gardner Neighborhood as an alternative we are resubmitting our scoping questions for the San Francisco to San Jose Scoping process as that process would consider Station Operations and the approach from Tamien Station to Diridon would be involved in station operations which currently negatively impact our Neighborhood.

The Neighborhood currently has numerous noise complaints about nighttime storage and stacking and idling of trains in this corridor. The response from the rail authorities: Joint Powers Board and UP has not helped the situation.

How would adding the third track and the additional HST traffic not exacerbate an already intolerable night time noise problem? What noise mitigations would be proposed for station operations with a three track approach to Diridon Station?

The impact of a three-track alignment option through this corridor would be especially disastrous to the existence of Fuller Park. Fuller Park was created as a joint

## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

community and City of San Jose working partnership using leased railroad right of way and adjacent City of San Jose Land. Although it is two acres in total, this is stretched out over two city blocks, creating a long narrow park, considered the Jewel of the Neighborhood. By using up the remaining railroad right of way and possibly City of San Jose Parkland, the expanded track assumption would result in an unusable park and this land would revert to the attractive nuisance it had been to the neighborhood before the improvement into a full City park. Replacing a two-acre park within or in close proximity to the neighborhood would be impossible as there is no open land to be found in the vicinity at any price.

How would the impact of the addition of a third track approaching Diridon Station on Fuller Park and vicinity be mitigated? What mitigations would be proposed for the loss of parkland and/or the loss of usability of Fuller Park and any remnant lands remaining from a three track solution? What mitigations would be proposed to keep any remaining land from becoming an attractive nuisance and any walls or structures created kept free of graffiti. How would the addition of a third track approaching Diridon Station affect the Row of Mature Pine Trees planted in the 1930's by the Southern Pacific Railroad at the edge of the railroad right of way in Fuller Park. These were planted as mitigation for the incursion of the railroad into the neighborhood in the early 1930's. How would the Authority protect these trees from the affects of building a third track including prevention of root compaction and degrading the health and/or loss of these historic trees? What mitigation will be in place to replace any trees adversely affected by the construction?

The addition of a third track approaching Diridon Station would imperil the existence of The Word of Faith Church adjacent to the tracks at the Delmas Bridge Crossing.

What mitigations would be proposed for the loss of use or degradation of usability of The Word of Faith Church from a three track approach to Diridon Station?

The addition of a third track approaching Diridon Station would make the rail crossings at Virginia Street and Auzerais Av wider and with the increased traffic necessitate longer and more frequent dwell time closures of both railroad crossings. This would imperil the Gregory Plaza neighborhood west of this crossing as the only exit from this portion of the neighborhood is a right turn onto Bird Av from Fuller Av and would make portions of this neighborhood inaccessible by fire engines in a emergency. The Auzerais rail crossing has become a high volume crossing to Highway 280 with the addition of large condo/apartment communities at Sunol and Auzerais and others adjacent in stages of construction or planning. The wider crossings with increased rail traffic would also necessitate the use of the longer and more frequent train horns.

How would the impact of the addition of a third track approaching Diridon Station on the usability of the Virginia Street and Auzerais Av railroad crossings be mitigated without seriously endangering and inconveniencing the residents of these adjacent neighborhoods?



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**Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016)**  
**- Continued**

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~~How would the increased use of train horns be mitigated as a noise impact?~~

In addition to the possibility of the taking and/or degrading the usability of Fuller Park and Word of Faith Church there are numerous lower income homes lining the tracks from Highway 280 south and east to Highway 87 including many on West Virginia, Harrison, Illinois, Jerome and Fuller Avenues. With the economic downturn of 2008 and the recovery sparking a loss of lower incomes concomitant with an enormous increase in property cost and rental costs leading to an increase in homelessness, these existing "affordable housing units" must be preserved. We have also noticed an increase in the number of families living in each unit to make the rent or mortgage payments of these units. Depending on track placement the tracks/walls could be as close as 10 feet from some of these homes.

What would the impact of the addition of a third track approaching Diridon Station on the survival and livability of these low income homes lining the tracks? How would the impact of the loss of use and/or livability of these homes be mitigated and not contribute to an increase in homelessness in an area already highly impacted by a lack of affordable housing. What Environmental Justice issues will be raised as a result? How will the social costs of loss or degradation of these more affordable homes be mitigated, especially given the current difficulty of housing lower income families in San Jose?

The railroad overpasses over Delmas and Prevost Avenues are historic early 1930's designed and built bridges. These bridges are integral to the Historic Greater Gardner Neighborhood as outlined in the Greater Gardner Neighborhoods Historic Context Survey Prepared for the City of San Jose Department of Planning, Building and Code Enforcement in April 2011. A link to this report is found here: <https://www.sanjoseca.gov/DocumentCenter/View/30013>

How would the impact of the addition of a third track approaching Diridon Station on the two Historic bridges matching the adjacent neighborhood be mitigated? What measures could be employed to preserve the Historic facades of these bridges? What will be the impact on the proposed City Landmark, The Henry Lingua House at 508 Fuller Av and on the proposed North Willow Glen Neighborhood Conservation Area across the street from Fuller Park? How would these impacts be mitigated?

Lastly the Los Gatos Creek Trail stops near the Joint Powers Board Bridge over Los Gatos Creek and needs a viable path across the tracks just south of Diridon Station. What mitigations are environmentally possible to continue the trail across the approach tracks to Diridon Station?

The documents attached below have a more detailed description of the environmental issues which will be raised with the use of the Greater Gardner corridor as an approach to Diridon Station. Even though the current proposal is for three tracks through the neighborhood, we agree with the 2010 Alternative Analysis findings cited above and feel they are equally valid with the new three track proposal through Greater Gardner. We hope you agree and fairly evaluate the approach to Diridon station and consider one of the alternatives which bypass the Greater Gardner neighborhood as

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**Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016)**  
**- Continued**

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environmentally superior to the 3 track at grade alternative.  
If I can be of any help, feel free to contact me.  
Harvey S. Darnell 897 Delmas Av San Jose, Ca 95125  
Chairman Greater Gardner Coalition.

----- Forwarded Message ----- From: Harvey Darnell  
<harveydarnell@yahoo.com>  
To: Comments@hsr.ca.gov  
Cc: Harvey Darnell <harveydarnell@yahoo.com>  
Sent: Monday, April 6, 2009 9:02 PM  
Subject: San Jose to Merced HST

<!--#yiv7665591112 DIV {margin:0px;}-->Attached is the electronic version of the submission of Scoping Questions from the City of San Jose, Strong Neighborhoods Initiative, Greater Gardner Coalition, Neighborhood Action Coalition. I have sent these to you electronically as a courtesy. The Hard Copy of the above documents were sent by US Mail to: Dan Leavitt-Deputy Director, Attn: San Jose to Merced HST Project EIR/EIS, California High Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814. If you open the files in the order: Dan Leavitt, Title Page, Noise, Environmental Justice, Land Planning, Aesthetics, Soils, History, Parks you will have the entire cover letter and scoping Question Document Submitted by the Greater Gardner Coalition. In Addition the Hard Copy Mailed to you will contain a 46 page Spanish Speaking Resident Petition addressing the omission of Spanish Language Outreach, Materials and Translation in the CHSRA project to date. Due to the time required to scan and large file size after scanning I elected to only provide those to you in the hard copy mailed to you.

Thank you for accepting our submission to you.

Harvey Darnell  
Chairman Greater Gardner Coalition Neighborhood Action Coalition

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**Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016)**

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897 Delmas Av  
San Jose Ca 95125  
April 6, 2009

Mr. Dan Leavitt, Deputy Director  
California High Speed Rail Authority  
Attn: San Jose to Merced HST  
925 L Street, Suite 1425  
Sacramento, CA 95814

Dear Mr. Leavitt,

The San Jose Strong Neighborhoods Initiative Greater Gardner Coalition Neighborhood Action Coalition (GGC NAC) is appreciative of the opportunity to support the implementation of High Speed Rail, an important component of California's future transportation infrastructure. The GGC NAC was first formed by the San Jose Redevelopment Agency (SJRD) in 2000 to act as the Citizen's Advisory Board to the SJRD on redevelopment in the blighted, culturally diverse Greater Gardner Neighborhood. In the last 8 years, through the actions of the SJRD, San Jose City Council and the San Jose Unified School District, this area has seen the expenditure of over \$13 million on infrastructure improvements which the GGC NAC requested and partnered in implementing. As our infrastructure projects came to fruition we noted a corresponding expenditure of private money to repair and rebuild the private residences in the Neighborhood. We are proud of our accomplishments and of the strong community driven organization which the GGC NAC has become.

We respectfully submit the attached community scoping questions for your consideration and response. We firmly believe that we have raised important issues which will improve the project and help the CHSRA meet the legislated goal of providing clean, efficient transportation for California's future.

We would like to suggest that you seriously evaluate and consider alternative routes which are less disruptive to our neighborhood. We have submitted questions which facilitate the evaluation of the many alternatives you will consider for the route south, between Diridon station and Tamien station, San Jose. We believe that alternatives, that either bypass Greater Gardner Neighborhoods or travel underground will not only preserve the quality of life in Greater Gardner Neighborhood, but will also contribute significantly towards reaching the HSR goal of train travel from San Francisco to Los Angeles in 2 hours, 40 minutes.

In the CHSRA public meetings which have occurred to this point there has been neither Spanish outreach nor Spanish translation services provided. A group of concerned primarily Spanish speaking residents were upset by this and collected petition signatures in the last week objecting to the lack of Spanish Outreach, Spanish Material and Spanish Translation in the process so far and asking for such services in the future. They presented petitions to me, as Chair of the GGC NAC, signed by over 200 residents and users of the GGC park facilities. They asked that I forward these on to you for your consideration on how best to remedy this oversight. They are included with the hard copy mailed to you, located behind the GGC NAC scoping questions.

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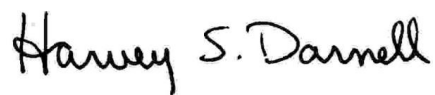
Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016)  
- Continued

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We look forward to working with you as partners in building the first High Speed Rail project in the United States. If we may be of further service in your efforts, please feel free to contact me at 408-295-1930 or harveydarnell@yahoo.com.

I submit these questions on behalf of the GGC NAC.

Sincerely,



Harvey S. Darnell  
Chairman, Greater Gardner Coalition Neighborhood Action Coalition

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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GGC NAC HST SF to Merced Public Aesthetics & Visual Resources Scoping Questions

### **3.9 Aesthetics and Visual Resources**

*(pg 3.9-19) San Jose to Central Valley Corridor*

The following paragraph refers to the Greater Gardner section of San Jose (small urban neighborhood),

***The line would run on an elevated structure up to 45 ft (13.7 m) tall until it crosses I-280, where it would descend to a retained fill section alongside the existing UPRR and Caltrain's Gilroy service. It would pass through a traditional small urban neighborhood before passing over SR 87 and ascending to an aerial alignment past the Tamien station. The retained fill and aerial sections would be a low visual impact on the surrounding landscape, creating shadow impacts on residential areas immediately adjacent to the right-of-way.***

1. How would visual impacts vary with different vertical track alignments, on either the Caltrain ROW or any other potential track alignments through Greater Gardner? Which vertical track alignments can reduce visual impacts for the Greater Gardner neighborhood- taking into account the visual impacts of the "catenary" electrified system and associated retaining walls, which could potentially be 20 feet above grade even in the retained fill areas (not to mention the aerial entrance points into Gardner)?
2. Considering that Greater Gardner is a small regional area with 2 elevated structures entering the neighborhood (87 and 280 overpass) - and adding the catenary system to the included impact, please elaborate as to why this would be considered a low visual impact. A tall elevated structure on most of the route through Greater Gardner would appear to be a high visual impact.
3. Please provide detail for visibility of the structure from homes, parks and schools in the Gardner neighborhood, for any potential routes through Greater Gardner. Will the overhead structure including catenary system be visible from,
  - a. Biebrach Park
  - b. Gardner School
  - c. Gardner Community Center
  - d. 1.5 blocks from tracks- Hull and W Virginia
  - e. 2.5 blocks from tracks- Atlanta/Riverside and Brown
  - f. Coe Street
  - g. Willow Street

***Neighborhood Lighting: From City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>2</sup> #23, "Improve Neighborhood Lighting", An evaluation of neighborhood lighting levels occurred in Greater Gardner neighborhood coordinated with residents and the City of San Jose Dept of Public Works.***



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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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### GGC NAC HST SF to Merced Public Aesthetics & Visual Resources Scoping Questions

1. After any HSR implementations, will the neighborhood lighting evaluation be rendered obsolete and if so, what is the mitigation plan?
  - a. When will the assessment occur as to Greater Gardner lighting levels?  
Will this occur during the construction process and if not, does that mean Greater Gardner neighborhood may potentially have inappropriate lighting during the entire multi year construction process? Is there a mitigation plan for Greater Gardner neighborhood and residents in the event of inappropriate lighting levels for an extended period of time? Is there an appeals process?
  - b. Since neighborhood lighting levels will likely fluctuate during any HSR construction process and upon final implementation of the train schedule, will CHSRA assess lighting levels in Greater Gardner at multiple times/frequencies during the period? Will Greater Gardner neighborhood be compensated in some way for each necessary lighting manipulation? Who determines when a lighting assessment needs to occur?
  - c. In the event that CHSRA decides to conduct neighborhood lighting assessments themselves as mitigation, will the City of San Jose dept of public works be involved, as was the case in the first survey?
  - d. For any residents whose homes are located at or near the construction zone, if excessive lighting is required, Is there a mitigation plan for residents that need to acquire new black out curtains, etc? Who decides if this is necessary and is there an appeals process?
2. What will be the impacts of the headlights of the high speed trains after dark? Will they sweep residents windows along the S-curves in the Greater Gardner Neighborhood, or any windows close to the track if the right of way is expanded? What is the mitigation plan to prevent light pollution to those residents?
3. What is mitigation for light pollution for Lick Observatory?

### *(pg 3.9-21) Historic Buildings, Neighborhoods, Landscapes*

There is no mention of the Greater Gardner neighborhood in the Aesthetics and Visual Resources chapter (although there is some discussion of Diridon station). The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #3 (Distinguish Greater Gardner with Gateways and Streetscape Improvements), #5 (Vintage Housing Preservation) and City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>2</sup> #6 (W Virginia Streetscape), #7 (Delmas Streetscape), #15 (Create Neighborhood Gateways), #16 (Improve Willow Street Properties and Landscape) are all current City of San Jose NAC initiatives that address the Aesthetics and of the Greater Gardner Neighborhood.

1. Streetscapes- Lighting: Greater Gardner has implemented the following pedestrian scale lighting as an implementation of the Streetscape initiatives,

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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### GGC NAC HST SF to Merced Public Aesthetics & Visual Resources Scoping Questions

above. How will the lighting provided by High Speed Rail impact the streetscape lighting for each of the areas listed below? Will there be a mitigation plan for Greater Gardner in the event that streetscape lighting is rendered ineffective, due to the overhang of the train lighting? Will CHSRA work with DOT or SJDPW on these mitigations? Please include analysis for any route considered through Greater Gardner as well as the Caltrain route.

- a. Pedestrian Scale streetlights – Gregory Plaza trailhead #3b addendum
- b. Pedestrian Scale streetlights – W Virginia/Gregory Plaza double acorn lights #3a addendum
- c. Pedestrian Scale streetlights – Fuller Park (note that this park is immediately adjacent to Caltrain ROW) #3d addendum
- d. W Virginia Streetscape – Lighting #6e
- e. Delmas Streetscape – Lighting #7e
- f. LRT drop off area – Lighting #13d

2. Streetscapes- Gateways: Greater Gardner has implemented the following neighborhood gateways as an implementation of the Streetscape initiatives, above. How will the lighting and imposing structures provided by High Speed Rail impact the streetscape gateways for each of the areas listed below? Will there be a mitigation plan for Greater Gardner in the event that gateways are rendered ineffective, because the train impedes the scenery/neighborhood feel? Please include analysis for any route considered through Greater Gardner as well as the Caltrain route.

- a. Gateway at Bird at W Virginia Street \*, East towards Gregory Plaza #3a addendum
- b. Gateway at Bird at W Virginia Street \* West towards Biebrach park #3a addendum
- c. Willow Street at Delmas \* #16c
- d. Willow Street at Bird \* #16c

\* Selected Neighborhood Improvements Map, pg 18, City of San Jose Strong Neighborhoods Initiative Greater Gardner <sup>2</sup>

3. Vintage Housing and Neighborhood: The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan! #5c Ensure that architecture for proposed new projects remains consistent with neighborhood character tries to maintain the vintage feel of the neighborhood of late 1800s and early 1900s homes in Greater Gardner. What are the impacts to this initiative, and all the work previously undertaken, of High Speed Rail various track alignments, on all proposed routes through Greater Gardner?
- a. Is there any way that High Speed Rail can be implemented as consistent with character of Greater Gardner? If so, how so for each track alignment and potential route (3d visualization technology would be nice here)?

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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### GGC NAC HST SF to Merced Public Aesthetics & Visual Resources Scoping Questions

- Will CHSRA follow the same criteria for design guidelines set forth by Greater Gardner NAC?
- b. If High Speed Rail cannot be implemented in a consistent manner with Greater Gardner character, what is the mitigation plan for the Gardner Neighborhood, and is there an appeals process?
  - c. If High Speed Rail cannot be implemented in a consistent manner with Greater Gardner character, what is the mitigation plan for Greater Gardner homeowners, assuming the neighborhood character declines as a result of HSR?
  - d. What about fencing and other related impacts and their implementation (apart from the main structure, catenaries etc), can those be implemented as consistent with character of Greater Gardner? If so, how so for each track alignment and potential route (3d visualization technology would be nice here)? Will CHSRA follow the same criteria for design guidelines set forth by Greater Gardner NAC?
  - e. If High Speed Rail fencing and related impacts cannot be implemented in a consistent manner with Greater Gardner character, what is the mitigation plan for the Gardner Neighborhood, and is there an appeals process?
4. Vintage Housing and Neighborhood, Existing Grade Separations: The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #5c Ensure that architecture for proposed new projects remains consistent with neighborhood character\_tries to maintain the vintage feel of the neighborhood with the heritage grade separations through Greater Gardner. What are the impacts to this initiative, and all the work previously undertaken, of High Speed Rail various track alignments, on all proposed routes through Greater Gardner?
- a. Greater Gardner currently features historically accurate 1930s grade separations for Caltrain which add to the historic feel of the community. How will HSR impact these historic structures and their place in the neighborhood? Will they need to be removed to make way for new HSR grade separations and if so, will the new grade separations degrade the historic feel of Gardner that was there before? In the event this happens what is the mitigation plan?
  - b. Will CHSRA accept responsibility for moving existing grade separations to another location within the Greater Gardner?
  - c. Will there be an architectural historian on site during the construction process to ensure these structures are not damaged by vibration etc?
5. Overall Aesthetics: Evaluate the change in visual context for Greater Gardner historic neighborhood even if the buildings are not moved or directly impacted- from the widened tracks, retaining/sound walls and catenary poles for each possible track alignment and possible route within Greater Gardner.

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Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016)  
- Continued

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GGC NAC HST SF to Merced Public Aesthetics & Visual Resources Scoping Questions

- a. Industrial Feel: Will Greater Gardner likely develop an “industrial feel” to the neighborhood after HSR tracks are installed, irrespective of design of associated structures and trains themselves?
  - b. What metric will you use to evaluate any industrial feel to the neighborhood and any mitigations?
  - c. Fencing and other visual impacts: Address the visual impacts of components of the project other than the rail lines, trains, and catenaries, including any proposed safety fencing or walls for all possible alignments and routes through Greater Gardner.
6. Trees and Landscaping, Public- Street Trees: From City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>2</sup> pg 32: *One of the neighborhood’s most attractive visual assets is its collection of **mature street trees**. **Street trees not only improve the appearance of streets, they also establish a neighborhood character, add to property values and reduce summer temperatures. Because Greater Gardner is an older neighborhood, most streets have a planting strip between the sidewalk and the curb.***
  - a. What is the impact of any possible alignments, and any possible route for HSR through Greater Gardner neighborhood on any associated street trees?
  - b. Will the City of San Jose Arborist be consulted on pruning and/or removal/relocation of any street trees?
  - c. In the event that any street trees near any potential HSR tracks through Greater Gardner need to be pruned as a part of HSR implementation, will CHSRA work with San Jose Dept of transportation on appropriate pruning? Is there a mitigation policy against value of loss for Greater Gardner neighborhood in the event of tree damage during pruning of this type? Is there an appeals process?
  - d. In the event that any street trees near any potential HSR tracks through Greater Gardner need to be removed as a part of HSR implementation, will CHSRA work with San Jose Dept of transportation regarding removal? Is there a mitigation policy against value of loss for Greater Gardner neighborhood in the event that trees need to be removed? Is relocation an option for any trees slated for removal and if so, will CHSRA pay for costs of tree relocation? Is there an appeals process against any mitigation plans for tree removal/relocation?
7. Trees and Landscaping, Private Property – Permits: The city of San Jose features a permit process for removal of any tree on private property that has a trunk circumference of 56” or greater. Assuming the various track alignments, and any potential routes through Greater Gardner will feature obtainment of private land, what is the strategy for trees that fit this description?

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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### GGC NAC HST SF to Merced Public Aesthetics & Visual Resources Scoping Questions

- a. Will HSR file any “live tree removal application” forms with the City of San Jose?
  - b. Will any public hearings be held regarding removal of any living trees residing on private property as stipulated in the City of San Jose’s tree ordinances?
  - c. Will the City Arborist be consulted for removal of any private property trees?
  - d. In the event some trees can be relocated, is there a mitigation plan for Greater Gardner to cover the cost of tree relocation and/or any damage during the relocation process?
  - e. Will homeowners receive compensation for any removal of private property trees? Who will assess the loss value? Is there a mitigation plan for removal of private property trees as a result of HSR and if so, is there an appeals process?
8. Trees and Landscaping – Fuller Park: The following are the components of Fuller Park, identified in the City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>2</sup> pg 37 “Fuller Plaza Improvement”.
- a. Native Grasses
  - b. Low Groundcover
  - c. Flowering Plants – removal, pruning or relocation
  - d. Decomposed Granite walking path
  - e. Trees against current Caltrain ROW embankment – removal, pruning or relocation
  - f. Frontage shade trees along entrance to park – removal, pruning or relocation
  - g. Fencing
- Please provide details on any impacts to Fuller Park/Plaza related to all track alignments and potential routes through Greater Gardner, according to the visual on page 37. Will any of these need to be removed or altered if HSR is implemented with any track alignment, on any routes specified through Greater Gardner? If so, will there be a mitigation plan for any of the following attributes to the park, or will the mitigation compensate for the entire park? How will value loss be determined and by whom? Is there an appeals process?

<sup>1</sup>City of San Jose Strong Neighborhoods Initiative, Greater Gardner, Nov 2007 Greater Gardner Neighborhood Improvement Plan Amendment

<sup>2</sup>City of San Jose Strong Neighborhoods Initiative Greater Gardner Jan 2002 (original plan)



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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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GGC NAC HST SF to Merced Environmental Justice Scoping Questions

### 3.7 Land Use and Planning, Communities and Neighborhoods, Property, and Environmental Justice

#### 3.7.1 Regulatory Requirements and Methods of Evaluation

##### A. REGULATORY PROVISIONS

###### Environmental Justice

“EO 12898, known as the federal environmental justice policy, requires federal agencies to address to the greatest extent practicable and permitted by law the disproportionately high adverse human health and environmental effects of their programs, policies, and activities, on minority and low-income populations in the United States.”

“The California Government Code defines environmental justice as the ‘fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.’”  
(CHSRA Program Level EIR p 3.7-1)

1. Many of the people who live in the Greater Gardner Coalition (GGC) Neighborhoods (Gregory Plaza, Gardner and North Willow Glen) especially adjacent to the Caltrain ROW, primarily speak Spanish. What outreach has CHSRA made to neighborhood Spanish speakers so that they can be informed and participate in the Scoping meetings and development of the Program Level EIR? Have there been there CHSRA flyers in Spanish? Were there newspaper, TV and radio ads in Spanish? Were meetings conducted in Spanish? If not, why not? How will the lack of outreach to primary Spanish speakers (or any other language) potentially impact the HSR planning process? Will there be important information about impacts to adjacent and nearby properties that you will not be aware of?
2. Since the Greater Gardner Coalition GGC is comprised of 3 different neighborhoods, how will the differing demographics affect your outreach procedure?
3. Please list all mailings within the GGC boundaries written in Spanish (or any other language), about the HSR?
4. Please list all HSR scoping and informational meetings held in Spanish.
5. How will you conduct outreach to the Greater Gardner Spanish speaking community after the Project Level EIR is written? What form will that outreach take? How many mailings in Spanish? What mailing radius will you employ? How many newspaper, TV, and radio ads in Spanish? If your research reveals that you need outreach in any other language, what forms will this outreach take?
6. What are CHSRA's procedures and policies with respect to outreach to Spanish or any other foreign language speaking populations?

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**Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016)**  
**- Continued**

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GGC NAC HST SF to Merced Environmental Justice Scoping Questions

7. What are the CHSRA's procedures and policies with respect to outreach to Habitat for Humanity Silicon Valley which owns a lot adjacent to one proposed rail line in the GGC area?
8. What are the CHSRA's procedures and policies with respect to outreach to any alcohol/drug rehabilitation and recovery homes in the GGC neighborhoods?
9. What steps are being taken to ensure public participation and access to information by homeless people in the GGC neighborhoods who typically shelter adjacent to the areas being considered for the alignment alternatives?
10. What are CHSRA's procedures and policies with respect to low income outreach? Will you be specifically identifying and reaching out to low income members of the Greater Gardner Neighborhoods?
11. Will future information about HSR be available in Spanish as well as in English, or any other language?
12. Many area residents don't read well in either English or Spanish. Will there be Spanish language audio programs?
13. Will future meetings about HSR be conducted in both English and Spanish? Will there be: simultaneous translation with FM receiver headphones, alternating English and Spanish; or will there be a separate meeting for Spanish speakers? Will translators meet qualification of professional certification?
14. Since there are "no specific state procedures prescribed for consideration of environmental justice issues related to the proposed HST Alignment Alternatives," with what government or non-governmental agencies did you consult in order to create the specific assessment procedures used in the EIR to assess environmental justice impacts? Were there agencies with which you could have consulted, but did not? Why not? What procedures for consideration of environmental justice issues will be used in the GGC neighborhoods? Why will these procedures for environmental justice issues be chosen? What other procedures for environmental justice issues are being considered? How will you select among varying procedures for environmental justice issues for the GGC neighborhoods?
15. In what specific ways will the needs of homeless people in the GGC factor into the consideration of environmental justice?
16. What consideration will be given to homeless people in the GGC neighborhoods whose personal routines and shelters are dislocated during construction of any of the proposed alignment alternatives?
17. Did the factor pertaining to the residential population in the impact area include homeless people in the GGC neighborhoods?
18. What steps will be taken to ensure that homeless people in the GGC Neighborhoods have safe access throughout the neighborhood during construction of any of the proposed alignment alternatives?
19. What attention will be given to mitigating the impact of homeless people in the GGC from the noise and vibration created during construction of any of the proposed alignments.
20. What attention will be given to mitigating the impact on the GGC neighborhoods resulting from the migration of homeless people from areas of HSR construction?

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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### GGC NAC HST SF to Merced Environmental Justice Scoping Questions

21. Will you consider the San Jose Strong Neighborhoods Initiative Greater Gardner Action Plan (rev 2007) in your analysis? If not why not?
22. Will you consult with the members of the Greater Gardner NAC and refer to the Greater Gardner Action Plan to create procedures to assess environmental justice impacts for the Greater Gardner Community at the project level EIR? If not, why not?
23. Will you consult with the members of the Word of Faith Church to create procedures to assess environmental justice impacts for the Greater Gardner Community at the project level EIR? If not, why not?

### B. METHODS OF EVALUATION OF IMPACTS

“This analysis was conducted using U.S. Census 2000 block group information/data compiled in a geographic information systems (GIS) format, local community general plans or regional plans and land use information provided by the planning agencies in each of the regions.”

1. Will you use the U.S. Census 2000 data at the census blocked or census tracked level?
2. What other sources of data about the ethnicity and primary language and income of the inhabitants of the Greater Gardner Community specifically along the existing railway corridor are also available to you?
3. What is the specific number of residences per acre in the Greater Gardner Neighborhoods and how will you use this information to define an area as high density, medium density or low density?
4. What specific “community general plans” (pg.3.7-1), for the city of San Jose will you consult?
5. If you do not consult any specific community general plans, why will you not do so?
6. Will you consult with the members of the San Jose Strong Neighborhoods Initiative and refer to the Greater Gardner Action Plan and Amended Plan to create metrics to assess environmental justice impacts for the Greater Gardner Communities? If not, why not?
7. Is there any data kept by the city of San Jose which describes the socio-economic status of the people living in the Greater Gardner Neighborhoods?
8. Will you request or access this data to assist the process as you “consider potential environmental justice issues”... “at the project-level environmental review”? (pg.3.7-2) If not, why not?
9. How have you contacted the members of the Greater Gardner Neighborhood as you conduct the “project-level environmental review”?
10. In which English language newspapers will you post notices about the project level meetings?
11. In which Spanish or any other foreign language newspapers have you posted notices about the project level meetings?

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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### GGC NAC HST SF to Merced Environmental Justice Scoping Questions

12. On which English & Spanish or any other foreign language TV and/or radio stations will you sponsor public service announcements to inform people of the project level scoping meetings?

#### Land Use Compatibility

“Future land use compatibility is based on information from general plans and other regional and local transportation planning documents. These documents were examined to assess an alignment alternatives’ potential consistency with the goals and objectives defined therein.” (Program Level EIR p.3.7-2)

1. What plans specifically related to the Greater Gardner Neighborhoods will you examine at the project-level environmental review?
2. Will you examine and utilize the City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan and Amended Plan? If not why not?
3. How will the goals of the HSR be consistent with the San Jose SNI goals to revive neighborhoods along the Caltrain ROW? How will you prevent HSR from disrupting the neighborhood and create blight in an area which has just undergone and is still undergoing an expensive and difficult transition out of “blight”?
4. Why is “an alignment alternative ... considered highly compatible if it... is located in areas planned for economic revitalization”?
5. What ranking systems could be used to evaluate potential impacts to Greater Gardner Neighborhoods by any of the proposed alignment alternatives on land use changes, land use compatibility and on property?
6. How did you select among these alternative ranking systems?
7. Would you make different recommendations under the different systems? What would they be?
8. Since HSR presents new conditions with respect to land use impacts in the GGC Neighborhoods, why is the potential for adverse impact considered lower if an alignment alternative is within an existing ROW in these neighborhoods?

“For example, homes and schools are more sensitive to changes that may result in increased noise and vibration.”(Program-Level EIR, p 3.7-2)

Gardner Academy is located less than 0.25 miles from the railway right of way. It was just rebuilt in March 2006 (San Jose Unified School District, School Accountability Report Card Pub in 2007-08 Gardner Elementary , pg 5 <http://www.sjUSD.org/pdf/SARC0607/Gardner.pdf>). It is a school which is 90.95% Hispanic/Latino and 87% Socioeconomically Disadvantaged. (San Jose Unified School District, School Accountability Report Card Pub in 2007-08 Gardner Elementary, pg 3 <http://www.sjUSD.org/pdf/SARC0607/Gardner.pdf>).

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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### GGC NAC HST SF to Merced Environmental Justice Scoping Questions

How will the impact of HSR on Gardner Academy be evaluated in regards to environmental justice? What documents about Gardner Academy's plans will be consulted at the Project-Level EIR? What SJUSD planning documents and staff will be involved in the Project-Level EIR plans? How will staff, parents and students at Gardner Academy be involved in creating a Project-Level EIR? How will construction along this section be done in a way to minimize the impact on Gardner Academy? Please list all mitigation measures for Gardner Academy (including traffic pattern changes) to be considered for constructing the HSR at grade, elevated, trench or in a tunnel or bypassing the neighborhood alignment. Please evaluate the relative different impacts on Gardner Academy with running the HSR in an at-grade, elevated, trench or tunnel alignment or bypassing the neighborhood alignment in regards to noise, vibration, transportation, parking, pollution, aesthetics and environmental justice. How will the vibration from the HSR affect building maintenance in regards to soil conditions in the Greater Gardner area? What forms of mitigations will CHSRA implement to lessen increased maintenance at the Gardner Academy?

Gardner Community Center, Biebrach Park and Swimming Pool, Fuller Park, Hummingbird Park, Gregory Park and Word of Faith Church

How will the impact of HSR on the these public and quasi-public facilities be evaluated in regard to environmental justice? What documents about these facilities will be consulted at the project level EIR? What San Jose parks, recreation and neighborhood services (PRNS) dept planning documents and staff will be involved in Project level EIR plans? How will staff, parents, children and community members utilizing these facilities be involved in creating a project level EIR? How will construction along this section of right of way be done in such a way as to minimize the impact on these facilities? Please list all mitigation measures for these facilities including traffic pattern changes which will be considered in constructing the HSR at Grade, elevated, trench, in a tunnel alignment or bypassing the neighborhood. Please evaluate the relative different impacts on these facilities with HSR running in an at-grade, elevated, trench, tunnel alignment or bypassing the neighborhood in regard to noise, vibration, transportation, parking, pollution, aesthetics and environmental justice issues. For each of the above facilities please specify individually the issues and mitigations you will consider in the project level EIR.

Table 3.7-1 ranks Multifamily residential areas as both medium and high compatibility while ranking single-family residential areas as "low compatibility." Why? What data or studies were used to create this ranking? Won't this ranking create a greater impact on low income households who are more likely to reside in multifamily residential areas? What specific steps will you take to ensure that this doesn't happen at the project level review?

There are many low income single family residences, community parks, and an elementary school all within ¼ mile of the proposed HST tracks, all of which were categorized in the program level EIR as low compatibility rating (according to table 3-



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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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GGC NAC HST SF to Merced Environmental Justice Scoping Questions

7.1). Please evaluate each of the alternatives including bypassing the neighborhood in context to their compatibility to the HSR and environmental justice issues.

### Communities and Neighborhoods

Currently the train tracks cross W. Virginia Avenue. How will you reconcile the need to have no “at grade” crossings for HSR with the stated plan in the EIR not to “isolate one part of an established community from another”? (Program Level EIR, p 3.7-3)  
Please evaluate the relative impacts of an at grade, elevated, trench and tunnel alignment and bypassing the neighborhood at West Virginia Avenue in terms of the impact of each option on Gregory Plaza community cohesion. Please also evaluate the impact of creating a tunnel beneath an “at grade” crossing for W. Virginia traffic.

Please evaluate each option in terms of the impact on safety and emergency response time to Gregory Plaza.

Please evaluate the relative impacts of an at grade, elevated, trench and tunnel alignment or bypassing the neighborhoods at West Virginia Avenue in terms of the impact of each option on noise and vibration levels in Gregory Plaza.

What mitigation might be considered to soften these impacts? Please evaluate the option of opening up Gregory Street to Riverside Drive. Please list all aesthetic improvements available to soften these impacts.

If West Virginia is closed, how will access to Gregory Plaza Neighborhood be maintained? Please evaluate each proposed mitigation in terms of response time for police, fire and other public safety services. What mitigations will be offered?

### Property

“Impacts include potential acquisition, displacement and relocation of existing uses or demolition of properties. ... In some instances, relatively minor strips of property would be needed for temporary construction easements or permanent right-of-way for the proposed HST Alignment Alternatives. In other instances, development of proposed facilities could result in acquisition, displacement, and/or relocation of existing structures....Mitigation may be required to maintain property access.” (Program Level EIR, p 3.7-3)

How will you determine the property impacts? What distance from the center line of the new HST alignments will be considered?

According to table 3.7-2, the widening of existing right of ways seems to present a medium to high impact ranking. The Greater Gardner neighborhoods are mainly an urban, single family residential development. There is no specific category on this table to identify our type of development. Will we be addressed at the project level EIR? If not why not? Will there be any attempt by the CHSRA to identify alternatives that might have a low impact on the Greater Gardner neighborhoods? If not why not?

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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### GGC NAC HST SF to Merced Environmental Justice Scoping Questions

How will situations of taking be evaluated for the risk of contributing to blight? What compensation will be offered to neighbors if a property becomes blighted due to a taking? What appeals process will be available for owners affected by a taking, or neighbors of a property where a taking has occurred? What process will you use to determine the value of the taking?

In which specific instances will relatively minor strips of property in the GGC be needed for right of way for each of the proposed alignment alternatives including bypassing the neighborhood? Which specific instances would the development of HST facilities result in the acquisition, demolition, displacement, or relocation of existing structures in the GGC neighborhoods? If existing structures in the GGC neighborhoods are relocated due to the development of HST where would they go?

Under what circumstances would improvements to existing transportation corridors including grade separation result in new physical barriers in the GGC? What environmental justice issues would such barriers create? How would they be mitigated?

### Environmental Justice

“This analysis is based on identifying the presence of minority populations and low-income populations in the study area (0.25mi [0.40km] from a potential alignment) and generally in the counties crossed by the alignment alternative. The assessment was done using U.S. Census 2000 information....

The analysis was used to determine whether:

- At least 50% of the population in the study area may be minority or low income
- The percentage of minority or low-income population in the study area is at least 10% greater than the average generally in the county or community....

Additional analysis would take place during project-level analysis to consider potential localized impacts.” (Program Level EIR p.3.7-4 to 3.7-5)

What distance will be used at the project level analysis to determine the presence of minority and low income populations in Greater Gardner Neighborhoods?

What data will be used at the project-level analysis to determine whether or not 50% of the population in the Greater Gardner Neighborhood is minority or low income? Will the data come from the 2000 census? What other data from the city of San Jose or the county of Santa Clara will be used? Will census block data be used to examine environmental justice issues in the following areas:

- North of existing right of way through GGC neighborhoods
- South of existing right of way through GGC neighborhoods
- On each side of any other alternative through GGC being considered by high speed rail.

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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### GGC NAC HST SF to Merced Environmental Justice Scoping Questions

What data will be used at the project-level analysis to determine whether or not the percentage of minority or low-income population in the Greater Gardner neighborhood is at least 10% greater than the average generally in the county or community? Will the data come from the 2000 census? What other data from the city of San Jose or the county of Santa Clara will be used? Will census block data be used to examine environmental justice issues in the following areas:

- North of existing right of way through GGC neighborhoods
- South of existing right of way through GGC neighborhoods
- On each side of any other alternative through GGC being considered by high speed rail.

Low income and language minority families frequently have poor health and high frequency of respiratory ailments, cardiovascular disease, and cancer. Please evaluate how the Greater Gardner neighborhood will be affected by increased pollution caused by the construction phase for each of different alignment alternatives and bypassing the neighborhood. Please list all possible ways to mitigate these effects.

Low income and language minority families frequently have poor health and high frequency of respiratory ailments, cardiovascular disease, and cancer. Please evaluate how the Greater Gardner neighborhood will be affected by increased pollution caused by running the HSR on the 4 different alignment alternatives and bypassing the neighborhood. Please list all possible ways to mitigate these effects.

### 3.7.2 Affected Environment

#### B. DISCUSSION OF RESOURCES BY CORRIDOR

*On page 3.7-6, "According to the 2000 U.S. Census, minority persons are defined as being nonwhite person, including those of Hispanic origin. Low-income populations are defined as having a median household income at or below Department of Health and Human Service poverty guidelines."*

Living expenses are much higher in Santa Clara county than in most areas of the country and California. Housing costs and salaries in Santa Clara county are much higher than in the rest of the US and California. For example due to the higher cost of living in San Jose, the San Jose dept of housing defines low income for a family of 4 as an annual income of \$84,900.

1. Please investigate Santa Clara County specific guidelines for what qualifies as "low-income" keeping in mind that housing costs and salaries in Santa Clara county are generally much higher than in the rest of the United States. Please explain in the Project Level EIR what Santa Clara county specific criteria were used to define low income and what is the basis for that criteria.

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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### GGC NAC HST SF to Merced Environmental Justice Scoping Questions

*On pg 3.7-10, "According to the 2000 U.S. Census, minority persons accounted for the following percentages of total population in the area ... Santa Clara 59%."*

This number shows that even using aggregate data for Santa Clara County, more than 50% of the population is minority, making it even more imperative that in the project-level analysis, the HSRA gather and analyze data about the minority population in the Greater Gardner Neighborhoods.

1. On pg. 3.7-11, under Neighborhood and Community Characteristics – Pacheco "the Pacheco alignment alternative begins at the Diridon Station in San Jose, following an existing rail corridor, through dense residential areas in central and southern San Jose." How did you determine that the GGC neighborhoods would be considered dense when the neighborhoods consist of predominantly detached single family homes?

On pg 3.7-22 and 3.7-23 the table states that there is "no Community Cohesion Impacts" for the section of the HSR corridor cutting directly through the Greater Gardner Coalition neighborhoods.

1. How can the High Speed Rail alignment that requires no at grade crossings, additional fencing, higher berms, and the possible closing of the Virginia Street entrance into the Gregory Plaza neighborhood not affect community cohesion?
2. How does the HSRA propose to mitigate these increased barriers?
3. What alternatives including bypassing the neighborhood, have been examined to eliminate these barriers through the GGC neighborhoods? If none have been examined, why not?

On pg 3.7-22 the table states that the environmental justice impact is medium from Diridon station to Gilroy.

1. Will the GGC neighborhoods be examined on their own merit for the environmental justice impacts for the project level EIR? If not why not?

Similarly, on pg 3.7-23 while analyzing the impact near San Jose (Diridon) Station, the table states that the "percentage of EJ population is lower than the thresholds."

1. What data was used to make that determination?
2. Will the GGC neighborhoods be examined on their own merits for the environmental justice impacts for the project level EIR? If not why not?

### 3.7.5 Mitigation Strategies and CEQA Significance Conclusions

#### D. ENVIRONMENTAL JUSTICE

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**Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016)**  
**- Continued**

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GGC NAC HST SF to Merced Environmental Justice Scoping Questions

“Additional consideration of environmental justice issues would occur during project-level review, which would include consideration of potential localized impacts and potential benefits to and enhancements for communities along potential HST Alignment Alternatives. Project-level review would also include consideration of detailed mitigation measures, including mitigation for temporary construction-related impacts. Project-level review would also include outreach to potentially affected communities as part of the public review process.”

In what languages will outreach be conducted in the Greater Gardner Neighborhood? In Spanish? How will this outreach be conducted? Will there be announcements in English, Spanish or any other foreign language newspapers, TV and radio? Will the meetings also be conducted in Spanish or any other foreign languages? If not, why not?

What benefit or enhancements to the Greater Gardner Neighborhood could result from an at-grade, elevated, trench or underground path? Please list all enhancements and analyze in regards to each of the 4 options or bypassing the neighborhood.



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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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GGC NAC HST SF to Merced Cultural Resources Scoping Questions

### **Section 3.16 Cultural Resources**

#### **Prehistoric Archeological Resources: Native American sites.**

1. The Tamien triblet of the Ohlones resided throughout this area. A significant Native American burial site was discovered during construction of the Hwy 87 freeway. Located on the east side of Tamien Station, a partial archeological excavation was made at the time of the freeway and LRT construction. The full extent of the burial site is not known.

- a. How will CHSRA protect this site?
- b. How will construction workers and equipment operators be trained to recognize when the known site has been discovered?
- c. How will they identify additional portions of the site?
- d. How will construction schedules be designed so qualified archeological anthropologist may examine and document the materials?
- e. How much time will be set aside to document any new findings? How will the duration be determined?
- f. Will trained Native American representatives of the Ohlone tribe be on hand throughout earth movement activities in this area? If not, how will they participate in the process?

2. The Willow Street crossing of the Guadalupe River was identified by the writings of the earliest Spaniards as a significant Native American crossing of the Guadalupe River. Lands near this crossing have a high possibility of Native American artifacts or additional burial sites.

- a. How will construction workers and equipment operators be trained to recognize when a site has been discovered?
- b. How will construction schedules be designed so qualified archeological anthropologist may examine and document the materials?
- c. How much time will be set aside to document any new findings? How will the duration be determined?
- d. Will trained Native American representatives of the Ohlone tribe be on hand throughout earth movement activities in this area? If not, how will they participate in the process?

3. The Guadalupe River forms the eastern boundary of the Greater Gardner Coalition (GGC) Neighborhoods. Earliest maps and research papers analyzing early Spanish writings suggest that land generally to the east of Delmas Avenue was a maze of rivulets, islands, willow stands, and swamps. Historic Spanish writings describe the area as abundant in wildlife. Native American sites are a possibility through this area.

- a. How will construction workers and equipment operators be trained to recognize when a site has been discovered?
- b. How will construction schedules be designed so qualified archeological anthropologist may examine and document the materials?
- c. How much time will be set aside to document any new findings? How will the duration be determined?
- d. Will trained Native American representatives of the Ohlone tribe be on hand throughout earth movement activities in this area? If not, how will they participate in the process?

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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GGC NAC HST SF to Merced Cultural Resources Scoping Questions

### **Pre-historic Archeological Resources: Mammoths.**

1. Bones of a pre-historic mammoth have been found in the stream bed of the Guadalupe River north of San Jose airport. The area between roughly Delmas Avenue and the current Guadalupe River channel was the historic trace of the the Guadalupe River, which was a year-round river fed by springs at the time of Spanish discovery. Given the prior discovery, there is the possibility of finding similar remains in this area.

- a. How will construction workers and equipment operators be trained to recognize when prehistoric animal remains been discovered?
- b. How will construction schedules be designed so qualified archeological paleontologist may examine and document the materials?
- c. How much time will be set aside to document any new findings? How will the duration be determined?
- d. Which agency or organization will evaluate the materials for significance?

### **Historic Archeological Resources: Chinese camps.**

1. The Greater Gardner Coalition (GGC) Neighborhoods straddle City of San Jose's Pueblo Lands and Rancho San Juan Bautista. During the Early American period, these lands were acquired by a few settlers, cleared of Willow trees and farmed. Historic State agricultural reports and newspaper articles describe the hops plantings and the initiation of the silk industry on these lands. A silk factory was located between Fuller and Riverside Avenues. Many workers were required for the silk industry and Chinese workers were preferred. State agricultural reports suggest that the crews lived on the lands, rather than commuting from San Jose's Chinatowns. In the 1870s the silk industry collapsed and the properties reverted to the Odd Fellows Savings Bank of San Francisco. Some Chinese workers stayed to work on local farms and operate a Chinese Laundry on Willow Street. Census records suggest there were many Chinese households within the area, with at least one man taking the last name of Coe; Coe was a major property owner who lost property with the silk industry collapse. Based on these various records, some believe there may be relics from a large 1870s Chinese camp in the GGC neighborhoods.

- a. How will construction workers and equipment operators be trained to recognize when a site has been discovered?
- b. How will construction schedules be designed so qualified archeological anthropologist may examine and document the materials?
- c. How much time will be set aside to document any new findings? How will the duration be determined?
- d. Which agency or organization will be responsible for determining whether artifacts are significant prior to further disturbing the location?

### **Cultural Resources: Historic Buildings**

1. The San Jose Redevelopment Agency Strong Neighborhood Initiative Greater Gardner Strategic Plan 2002, revised 2007 used a community process, approved by the City Council of San Jose, and identified goals for the GGC Neighborhoods. Among the top ten goals, Goal 5 identified preservation of the historic properties and GGC's historic context as critical to improving the blighted conditions within the neighborhoods. One component of the goal is a plan to conduct a historic survey in preparation for creating a possible historic conservation

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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district. Within a historic conservation district, individual properties may not qualify for State or National register, but are contributing structures to the context of the conservation area.

The GGC Neighborhoods were a unified neighborhood until sliced by the Southern Pacific ROW, completed in 1936. Most homes in the neighborhood were constructed between 1880 and 1930 with architecture representative of each decade.

- a.. How will CHSRA coordinate with City of San Jose the identification and evaluation of historic properties within the Greater Gardner and the nexus of the High Speed Rail right of way?
- b. How will historic evaluators be selected?
- c. Will consultants with knowledge of the unique history of San Jose, GGC neighborhoods, and local historic resources receive hiring preference over those without this knowledge or resources?
- d. What metrics will the CHSRA use to determine the level of environmental significance of properties that are identified as qualified for the City of San Jose's historic inventory but not for the Federal or State registers?
- e. What distance from the ROW will be used to consider historic buildings? How was this distance selected?
- f. If a structure is identified as qualified for the State or National register, what range of mitigations for loss or damage will be offered? What agency will determine the mitigation? What appeal process will be available?
- g . If a structure is identified as eligible for the city's historic inventory or as a candidate for city landmark status, what range of mitigations for loss or damage will be offered? What agency will determine the mitigation? What appeal process will be available?
- h. If a structure is identified as important for maintaining the context of the a conservation district, but not individually important, i.e. a contributing structure, what range of mitigations will be offered? What agency will determine the mitigation? What appeal process will be available?

2. Historic homes in the GGC Neighborhoods were primarily built prior to 1930. Most walls are constructed of plaster and lath. Many have stucco exteriors. Dimensions of windows and doors are not the same as contemporary construction. Woodwork was custom milled by artisans and craftsmen. Some have feature windows or leaded glass. Considering the possible impacts of construction (e.g. pile driving, vibration of equipment, etc.) on these historic homes:

- a. what distance from the HSR ROW will qualify for mitigations/repairs?
- b. what mitigation repairs will be offered to homes within the nexus of the ROW?
- c. Will damage to foundations, stucco, and plaster and lath walls be covered?
- d. Will the mitigations offered vary according to the age, the historic category?
- e. Will mitigation repairs be with custom made and like materials, or will property owners be required to accept modern replacements, e.g.. dry wall, new window or door dimensions, plain (not feature) window panes, or manufactured trim?
- f. What levels of proof will be required of property owners?
- g. What agency will make the determination?
- h. What appeal process will be available?

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3. Considering the long-term effects of the operation of HST, e.g. vibration, noise, etc.
  - a. What distance from the HSR ROW will qualify for mitigations/repairs?
  - b. What mitigation repairs will be offered to homes within the nexus of the ROW?
  - c. Will damage to foundations, stucco, and plaster and lath walls be covered?
  - d. Will the mitigations offered vary according to the age, the historic category?
  - e. Will mitigation repairs be with custom made and like materials, or will property owners be required to accept modern replacements, e.g., dry wall, new window or door dimensions, plain (not feature) window panes, or manufactured trim?
  - f. What levels of proof will be required of property owners?
  - g. What agency will make the determination?
  - h. What appeal process will be available?
4. Considering the noise of the HST operation:
  - a. Within what distance from the HSR ROW will properties qualify for mitigations?
  - b. What appeal process is available for those beyond those distances?
  - c. What types of sound-proofing will be offered so that historic homes will maintain their historic integrity?
  - d. Will the types of sound-proofing vary according to whether the structure is eligible for the National or State registers, City Landmark, City Historic inventory, or contributing structure?
  - e. What metrics will be used to determine whether the impacts will constitute a “taking”?
5. If a home built before W.W.II is identified as in the path of the new ROW:
  - a. What structure relocation options will be offered?
  - b. How will those options contribute to the GGC Strategic Goal #5 to maintain and preserve the historic context of the neighborhood?
  - c. How will the relocation options vary based on the age of the property, structural design, and whether it qualifies for the National or State register, City landmark status, City historic inventory or contributing structure to a future conservation district.
  - d. If the property owner declines to relocate the structure, what actions will CHSRA take to ensure that the historic structural resource is not lost to the Greater Gardner Neighborhoods and the City of San Jose at large?
6. Considering that a portion of the GGC neighborhoods have been identified at risk of blighted conditions,
  - a. To what extent will the impacts of the High Speed Rail increase the risk of blight?
  - b. How will increased risk of blight place the historic properties at greater risk?
  - c. What metrics will be used to identify this level of risk and its environmental significance?
  - d. How was this metric selected?

### **Cultural Resources: Historic Structures and Features**

The SPRR grade separators were constructed between 1934 and 1936. The structures were distinctive and representative of industrial architectural of the time period. Each contained a SPRR medallion. They provide a historic context to the ROW which bifurcated the GGC Neighborhoods.

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GGC NAC HST SF to Merced Cultural Resources Scoping Questions

1. The grade separator at Delmas Avenue within GGC neighborhoods retains the original 1934-36 architecture and Southern Pacific RR medallions.
  - a. How will the CHSRA work to retain design features of this structure?
  - b. If the overpass must be replaced, will CHSRA use a design that is reminiscent of the original? If not, why not? If a modern design is installed, how will the modern design contribute to the historic context of the neighborhood?
  - c. How will the Southern Pacific medallions be removed, protected, and stored during construction?
  - d. Will the SPRR medallions be re-installed on the grade separators? If not replaced, why not?
  - e. If not reinstalled, what mitigation will be offered for the loss of this beloved historic resource and its context?
2. Several of the grade separators south of Diridon Station have the original Southern Pacific RR medallions.
  - a. Will these medallions be re-installed on the grade separators?
  - b. How will these SPRR medallions be removed, protected, and stored during construction?
  - c. If these medallions will not be reinstalled, why not?
  - d. If they are not reinstalled, what mitigations will be offered for the loss of these beloved historic resources?

### Bibliography

<http://www.strongneighborhoods.org/GreaterGardner06.asp>

[http://www.strongneighborhoods.org/Plans\\_06/GreaterGardnerNeighborhoodImprovementPlanAmendment.pdf](http://www.strongneighborhoods.org/Plans_06/GreaterGardnerNeighborhoodImprovementPlanAmendment.pdf)

Communication Hill EIR, City of San Jose

Lowell, John Bean, The Ohlone Past and Present, Native Americans of the San Francisco Bay Region, (1994).

### San Jose Historic Inventory

[http://www.sanjoseca.gov/planning/historic/pdf/Historic\\_Resources\\_Inventory.pdf](http://www.sanjoseca.gov/planning/historic/pdf/Historic_Resources_Inventory.pdf)



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GGC NAC HST SF to Merced Public Land Use and Planning Scoping Questions

### **3.7 Land Use and Planning, Communities/Neighborhood, Environmental Justice**

*From References, 14.4.7*

1. Why is only the City of San Jose General Plan 2020 cited for San Jose? Many more up to date specific city planning documents are available, including:
  - a. City of San Jose Strong Neighborhoods Initiative, Greater Gardner, Nov 2007 Greater Gardner Neighborhood Improvement Plan Amendment<sup>1</sup>
  - b. City of San Jose Strong Neighborhoods Initiative Greater Gardner Jan 2002 (original plan) <sup>2</sup>
  - c. City of San Jose Midtown specific plan
  - d. City of San Jose Tamien specific plan
  - e. City of San Jose Strong Neighborhoods Initiative, Delmas Park Neighborhood Improvement Plan
  - f. City of San Jose Strong Neighborhoods Initiative, Burbank-DelMonte Neighborhood Improvement Plan
  - g. City of San Jose Baseball Stadium EIR
  - h. San Jose Redevelopment agency, Diridon Station Plan
2. What is the mitigation plan for inconsistencies between the City of San Jose General Plan 2020 and more up to date, regional planning documents, such as the Greater Gardner documents above? Does the most recent document take precedence in planning decisions, and if not, what recourse do the communities have if obsolete planning information is used in HST design?

***3.7.4 (pg 3.7.41) To a large extent, these existing transportation corridors already present barriers and impose other impacts on existing communities. Although the HST system would often introduce an additional (fenced) barrier, the HST system would maintain and in many cases improve existing access conditions through the grade separation of existing services.***

The following questions refer to 3.7.41, above, in conjunction with ***Table 3.7.2 Rankings of residential property impacts***, which lists urban and suburban with no additional right of way needed as low impact.

1. What is the metric used to determine whether an HST system maintains or improves existing access conditions? How was that metric applied in the program level EIR?
  - a. What level of impact would you assign to the Greater Gardner Neighborhoods?
  - b. Can you provide some examples of HST as an improvement relative metric scoring?
  - c. How will it be applied to each of the Greater Gardner Neighborhoods for each of the alternative alignments, and bypassing the neighborhoods?

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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### GGC NAC HST SF to Merced Public Land Use and Planning Scoping Questions

2. Where are some of the specific cases where HST systems have improved existing access conditions through grade separations of existing services anywhere in the world?
  - a. What was the metric prior to “improvement” and what was the score afterward?
  - b. Which agency performed the measurements, and was it formally documented?
  - c. What is the % of HST implementations where existing access conditions were 1) maintained, 2) improved, 3) declined, vs. overall sites measured?
  - d. For those places that have experienced improvement in access after HST please compare land use designation, population, demographics etc, and other issues between the baseline and the Greater Gardner HST implementation.
3. Please describe the proposed metric for determining whether additional barriers or grade separators improve neighborhoods that are currently undergoing a city sponsored neighborhood action plan, as is the case with Greater Gardner neighborhood, San Jose.
  - a. Are the metrics relevant for neighborhoods prior to improvements or after?
  - b. Who decides, and how are results published (and/or disputed)?
4. The Gardner area of the Greater Gardner Coalition is the area bordered by 280 freeway to the north and west and Fuller Ave/Caltrain ROW to the south. This neighborhood is already bordered by a major transportation corridor (280 freeway) only 2 blocks to the north of the Caltrain ROW.
  - a. Won't an additional fenced barrier or grade separation along the Caltrain ROW, or any alternative ROW for High Speed Rail through Greater Gardner to the south effectively isolate the neighborhood between TWO transportation corridors, and if so how will this either maintain or improve the neighborhood?
  - b. Will the 280 freeway corridor be considered for HSR through Gardner and if not, why not? What was the rationale for not choosing the 280 freeway, since 280 is a long range transportation corridor already?
  - c. Can you provide examples of other neighborhoods where freeways existed within residential blocks of a fenced barrier or grade separation for rail transit and the outcome was **NOT** that the neighborhood was isolated as a result?
  - d. Can you provide a list of examples where new rail corridors were built in neighborhoods that also featured freeway cloverleaf blocks away and the freeway right of way was NOT used for the new rail line and, instead the rail authority chose to use a location blocks away from the freeway with an established neighborhood in between? If such examples can be found, did they result improvements to a neighborhood?

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GGC NAC HST SF to Merced Public Land Use and Planning Scoping Questions

5. Vision Statement and Goals: How will either an additional fenced barrier, or grade separations specifically maintain or improve the current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>2</sup> Vision Statement and Goals (page i-iv)?
  - a. From GGC Vision Statement(i) “Architectural standards will guide new development as well as property renovations to reflect the historic neighborhood character”. How will the CHSRA planning to adhere to the architectural standards of Greater Gardner NAC? If not, what will be the rationale for claiming Greater Gardner was a **low residential property impact** for HST? Wouldn’t violating a community vision statement be considered a high impact to community?
  - b. From GGC goals(iii): “improve and maintain the appearance of community streetscapes”; please describe how an additional fenced barrier or grade separation would be consistent with the Greater Gardner community streetscape goal.
  - c. From GGC goals(iii): “reduce noise level impact produced by freeway and railroad lines”; please describe how HST with trains every 3 minutes are consistent with this goal resulting in **low impact** HST implementation for Greater Gardner. How will noise levels be measured to ensure low impact? What mitigations procedures are available with CHSRA in the event noise impact to Greater Gardner is not low?
  - d. From GGC goals(iv): “Establish pedestrian and bicycle corridors that link major destinations and facilities”; please describe how HST implementation on Caltrain lines (or any other proposed right of way through Greater Gardner neighborhoods) that bifurcate multiple pedestrian and bicycle corridors can be considered **low impact** to Greater Gardner residential community?
6. GGC Homelessness initiative: How will either an additional fenced barrier, or grade separations specifically maintain or improve the current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #2b, “Resolve Homelessness encampment problem throughout the neighborhood”?
  - a. Please address the CHSRAs approach to the homelessness encampment along both sides of SP Railway easement through Greater Gardner, and Railroad Bridges at Bird, Delmas and Prevost (documented in #2b), such that an additional fenced barrier or grade separations maintain or improve the homeless encampment problem?
  - b. Please address the CHSRAs approach to the homelessness encampment along Los Gatos creek trail at Gregory Street and Fuller Ave (documented in #2b), such that an additional fenced barrier or grade separations maintain or improve the homeless encampment problem?
  - c. Will an increase in size in HSR bridges generating a larger homeless problem? Are there any studies that show that homelessness problems were maintained or improved after existing bridges with homeless encampments were widened to support high speed rail?

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- d. In the event that CHSRA decides on a different route for HSR through Greater Gardner, please address how a new transportation corridor would not increase the homeless encampment problem, since this issue seems to stem from existence of transportation corridors?
  - e. Are these two planning objectives, one from City of San Jose (resolve homeless encampments) and the other CHSRA (build High Speed Rail through Gardner) in conflict? If so, how will this be mitigated? If no, what are the metrics for that determination?
7. GGC Graffiti: The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #2f has the goal: “Eliminate graffiti throughout the neighborhood (specifically Gregory Plaza Tot Lot and Fuller park, below)... bridges, commercial properties, light standards”.
- a. How will either an additional fenced barrier, or grade separations specifically maintain or improve meet that goal?
  - b. Wouldn't an additional fenced barrier or grade separation on the tracks (Fuller, Gregory Plaza) ADD to the graffiti problem? How did you make that determination?
  - c. How will the CHSRA's approach to graffiti be coordinated with the City of San Jose AGP Anti Graffiti program?
  - d. Are there any studies/metrics of other high speed rail projects that show that graffiti was maintained or improved after a HST implementation with an additional fenced barrier or grade separations, either utilizing an existing ROW or a new one? And what did those studies show?
  - e. What will be CHSRAs approach to graffiti specifically at Gregory Plaza Tot Lot which is close to the Caltrain ROW, and near a new Grade Separation?
  - f. What will be CHSRAs approach to graffiti specifically at Fuller Park which is next to the Caltrain ROW, and near 3 new bridges?
  - g. In the event CHSRA intends to use an alternate route through Greater Gardner that is outside of the Caltrain ROW and erects new structures to support HST?
  - h. How will it be determined that HSR led to in an increase in graffiti?
  - i. What recourse does the Greater Gardner NAC have for additional graffiti issues caused by HSR?
  - j. What recourse does the Greater Gardner NAC have any recourse for additional graffiti issues caused by the CHSRA HST implementation?
  - k. Are these two planning objectives, one from City of San Jose to eliminate graffiti and the other CHSRA to extend/build HST facilities in conflict? If so, how will this be mitigated? If not, how will you make that determination?
8. GGC Railway Quiet Zone: The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #7a includes: “Establish Greater Gardner Community as a railway quiet zone”.

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- a. How will grade separations specifically maintain or improve Greater Gardner's implementation of railway quiet zone?
  - b. Given that CHSRA trains are intended to run every 3 minutes vs much less frequent Caltrains today, doesn't the frequency alone imply a noisier train environment? If not, what are the metrics used to make that determination?
  - c. What are CHSRAs plans for railway quiet zones for the high speed rail? Is the Greater Gardner community automatically considered a railway quiet zone for high speed rail after achieving this designation from Caltrain? Will Greater Gardner need to reregister with CHSRA to obtain railway quiet zone status for our neighborhood?
  - d. What are the specific metrics that CHSRA uses to determine a railway quiet zone, (decibels, etc) and how far away from the tracks are these metrics determined?
  - e. Are these two planning objectives, one from City of San Jose (railway quiet zone) and the other CHSRA (more frequent trains) in conflict? If so, how will this be mitigated? If not, how will you make that determination?
9. GGC Street Repair Impacts: The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #1, states: "Repair/Reconstruct Deteriorated Streets, Sidewalks and Systems", item #1a "Work with DOT to accelerate street replacement schedule"?
- a. How will either an additional fenced barrier, or grade separations specifically maintain or improve any street repair impacts in Greater Gardner?
  - b. Will CHSRA activity in Greater Gardner area impact the specific streetworks projects (see #11, below) occurring, and if so, how so?
  - c. How will the CHSRA plan to coordinate and maintain the Greater Gardner street replacement schedule?
  - d. How is the use of heavy construction equipment during HST construction expected to impact street repair schedule?
  - e. How will CHSRA adhere to the action plan directive to work directly with DOT and the neighborhood action coalition on street improvement?
  - f. If the CHSRA and DOT/Greater Gardner NAC are in contention over various streetworks projects, what is the mediation process among the 3 agencies? Will there be compensation for any impacted streetworks? Who will decide the compensation schedule?
10. GGC Street Repair Impacts, soft soils/streets not on action plan: Greater Gardner neighborhood is known for excessively soft soils that result in difficult street repair and maintenance. For streets that are currently not on action plan, it is possible that damage could occur during construction process or ongoing train



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maintenance, even if the route is not immediately adjacent to the street in question.

- a. Is there a mitigation process for streets curbs and gutters that experience structural degradation as a result of HST construction or ongoing operations, even though said streets are not immediately adjacent to the tracks?
- b. Which agency decides if street damage on nearby streets is due to train operations?
- c. How are conflicts mediated?

11. Street Repair Impact specifics: The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #1 states, “Repair/Reconstruct Deteriorated Streets, Sidewalks and Systems”. The following specifics street improvements are ongoing projects coordinated by San Jose DOT, SJ Dept of Public Works and San Jose Redevelopment Agency.
- a. How will either an additional fenced barrier, or grade separations specifically maintain or improve ongoing street repairs in Greater Gardner Neighborhoods?
  - b. How will CHSRA coordinate with these agencies for mitigation of all impacted streetworks projects?
  - c. How will Greater Gardner community be compensated for damaged or delayed existing streetworks projects on or near the Caltrain tracks, or near any proposed route through Greater Gardner as a result of HSR?
    - i. #1e: Repair Prevost Street from Fuller to Minnesota (Fuller is adjacent to the Caltrain tracks) – what is the CHSRA detailed plan for this specific streetwork initiative?
    - ii. #1g: Repair/Reconstruct Harrison St and Harrison Ave (immediately adjacent to tracks) – what is the CHSRA detailed plan for this specific streetwork initiative?
    - iii. #1h: Repair/Reconstruct Gregory Street from Fuller Ave to Helen St (adjacent to tracks) – what is the CHSRA detailed plan for this specific streetwork initiative?
    - iv. #1k: Repair/Reconstruct W Virginia Street sidewalk from RR tracks at W Virginia and Drake to 87 overpass. – what is the CHSRA detailed plan for this specific streetwork initiative?
    - v. #1l: Improve Fuller curb and gutter and church driveway curb cut on Fuller ave. (Fuller is adjacent to the tracks and the Church is directly adjacent to the Caltrain ROW.) – what is the CHSRA detailed plan for this specific streetwork initiative?

12. GGC Gateways and Streetscapes: The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #3a, Distinguish Greater

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### GGC NAC HST SF to Merced Public Land Use and Planning Scoping Questions

Gardner with Gateways and Streetscape Improvements includes : Install a gateway feature at Bird and W Virginia street, and double acorn lights W Virginia and Gregory Plaza”.

- a. How will either an additional fenced barrier, or grade separations specifically maintain or improve this Gateway Initiative?
- b. Since the streetscape improvements are very close to the Caltrain ROW, will these city sponsored improvements need to be removed? If so, will CHSRA compensate the Greater Gardner NAC for facilities damaged/removed?
- c. How is the removal executed and which agency makes the determination? How will the CHSRA protect the existing streetscapes and lighting?
- d. Will streetscapes and gateways need to be removed to implement the fenced barrier or grade separation? If so, what will be the impact of HST implementation on the Greater Gardner area considering the implementation of these gateways and streetscapes was intended to improve neighborhood access and walkability.

13. GGC Tree Planting: The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #3c, Distinguish Greater Gardner with Gateways and Streetscape Improvements includes: – Conduct a tree planting on W Virginia street from Drake Street to Route 87”.

- a. How will either an additional fenced barrier, or grade separations specifically maintain or improve this tree planting initiative?
- b. Will the trees on W Virginia and Drake need to be removed to accommodate HST? If so, what is the rationale that this either maintains or improves the access conditions? How will any tree removal be mitigated?
- c. What studies or metrics support the rationale that removing trees actually maintains or improves the area, assuming the trees are healthy?
- d. Will CHSRA compensate Greater Gardner NAC for any removed or damaged trees, or any movement of trees? Will the City arborist be involved? Will mitigations include moving trees?

14. GGC Pedestrian Scale Lighting: The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #3d includes: Distinguish Greater Gardner with Gateways and Streetscape Improvements – Install additional pedestrian scale lighting at Fuller Avenue Park (which is directly adjacent to the Caltrain ROW).

- a. How will either an additional fenced barriers, or grade separations specifically maintain or improve any pedestrian scale lighting in Greater Gardner?

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- b. Will the pedestrian scale lighting on Fuller provide the same light ratios to the area after the additional fenced barrier or grade separations are installed? How are these measurements obtained, and who is responsible for the measurements?
  - c. If lighting is impeded, and there is increased crime due to poor pedestrian scale lighting on Fuller Ave, will CHSRA assume liability as a responsible party? Note we are referring to pedestrian scale lighting not lighting to support the trains.
  - d. What are the plans for pedestrian scale lighting near the additional fenced barrier or grade separations provided by CHSRA? How will you involve the Greater Gardner NAC in the design and choice of such lighting?
15. GGC Architectural Preservation: The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #5c includes: Ensure that architecture for proposed new projects remains consistent with existing neighborhood character.
- a. How will either an additional fenced barrier, or grade separations specifically maintain or improve the architectural neighborhood character in Greater Gardner?
  - b. How will any additional fenced barriers or grade separators be designed to be consistent with the architecture of the turn of the century homes in Greater Gardner?
  - c. How will you design replacement bridges that honor and reflect the 1936 bridge designs and preserve and reinstall the original SPRR medallions?
  - d. What is the process for ensuring additional fenced barriers or grade separators are consistent with neighborhood character? Is there an architectural historian available on the HST project to provide input? How will the GGC community be involved with the design? How will the assessments be conducted and how will results be published?
  - e. What is the mitigation plan for Greater Gardner NAC if we feel CHSRAs structures that do not adhere to the guidelines of Greater Gardner action plan?
  - f. How will CHSRA engage other San Jose agencies that are responsible for maintaining neighborhood character, including Housing Dept and Planning and Code enforcement staff? What are the building codes that the additional fenced barriers or grade separators need to adhere to? Which agency will be the lead on the task of determining if additional fenced barriers or grade separators are consistent with Greater Gardner neighborhood character?
16. GGC Architectural Preservation: The Greater Gardner action plan #5 calls for the possible creation of a historic conservation district located within Greater Gardner neighborhoods. How will CHSRA mitigate the potential deleterious effects of high speed rail on that goal?

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17. GGC Pedestrian Safety: The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #4f includes: Refresh faded crosswalks and no parking zones where necessary throughout neighborhood, incl Gregory Plaza Tot Lot and W Virginia at Drake.
- a. How will either an additional fenced barrier, or grade separations specifically maintain or improve pedestrian safety in Greater Gardner?
  - b. Since Caltrain ROW is immediately adjacent to W Virginia/Drake and close to Gregory Plaza Tot Lot, will the no parking zone be eliminated? If so, which agency makes that decision? Will this be coordinated with SJ DOT?
  - c. Will any recently refreshed crosswalks referred to in current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #4f need to be removed, repainted or relocated? If so will this be coordinated with SJ DOT?
  - d. How will any disruption in current pedestrian safety such as removal of no parking zones or painted over crosswalks be communicated to residents? What community outreach in both Spanish and English will be provided? How will residents be notified given that the neighborhood is a mixture of owners and renters?
  - e. If disruption in Pedestrian Safety for Greater Gardner neighborhood is required to implement an additional fenced barrier or grade separator, what is the rationale to claim HST in Greater Gardner area is low impact?
  - f. How will access and safety be ensured during construction and temporary road closures and/or detours?
18. Open Space: The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #6b includes, “Improve Neighborhood Open Space”, identify sites for potential new open space including footbridge at Gregory Plaza, W Virginia at Bird, Land adjacent to Railroad tracks at Harrison.
- a. How will either an additional fenced barrier, or grade separations specifically maintain or improve access to Open Space?
  - b. Since every potential open space listed in the City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #6b is near or directly adjacent to the Caltrain ROW, and likely near any other proposed route through Greater Gardner, what is rationale for claiming HST would maintain or improve existing access conditions in the Gregory Plaza area of Greater Gardner? Does removing any open space that is targeted by GGC neighborhoods as eligible for improvement into parks and open space etc, constitute a neighborhood “maintenance or improvement of existing conditions”?

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GGC NAC HST SF to Merced Public Land Use and Planning Scoping Questions

- c. What are the impacts of an additional fenced barrier or grade separator to the open space by the footbridge at Gregory Plaza? What constitutes the assessment of “low impact” on this parcel of open space?
  - d. What are the impacts of an additional fenced barrier or grade separator to the open space at W Virginia and Bird? What constitutes the assessment of “low impact” on this parcel of open space?
  - e. What are the impacts to the open space adjacent to the railroad tracks at Harrison of an additional fenced barrier or grade separators? What constitutes the assessment of “low impact” on this parcel of open space?
19. GGC Dog Park: the current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #6d includes: “Improve Neighborhood Open Space”, Explore and if possible build a dog park in the Gregory Plaza Neighborhood.
- a. How will either an additional fenced barrier, or grade separations specifically maintain or improve the Greater Gardner Dog Park?
  - b. Since the Caltrain ROW (and likely any alternative routes considered for HSR) bifurcates Gregory Plaza (the area designated as bordered by Gregory, Fuller, Bird and 280 in Greater Gardner Neighborhood), and since all open space available is adjacent to Caltrain ROW, does this imply that CHSRA plans will eliminate Greater Gardner NAC’s ability to implement the desired Dog Park?
  - c. How will the dogs owners in the GGC area in the area who benefit from pro social interactions with fellow dog owners be compensated for lack of a dog park? Is there a mitigation plan for dog owners?
  - d. How is the Greater Gardner NAC objective of a Dog Park in Gregory Plaza maintained or improved by HSTs implementation of an additional fenced barrier or grade separations? Note that there is no fenced barrier there now.
20. GGC Traffic Impacts: The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #10a, “Reduce Neighborhood Traffic Impacts”, Conduct analysis and signing to enforce no truck traffic on all neighborhood streets and limit truck weight on all traffic through neighborhood.
- a. How will implementation of HST on Caltrain tracks with a nearby station specifically maintain or improve Greater Gardner traffic impacts?
  - b. How will the construction of a large nearby train station and HST impact the traffic in the Greater Gardner neighborhood? What metrics will be used to measure traffic impacts?
  - c. What will be the impacts to Greater Gardner neighborhoods in the event HST construction requires any road closures? How will that be mitigated?
  - d. Will the CHSRA adhere to Greater Gardner NAC guidelines on truck weight restrictions during the construction process? If so what is the

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implementation plan and how will this be enforced? If not, what mitigations will be utilized?

21. GGC Fuller Park/Plaza: The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>2</sup> #3, Improve and maintain open space along Fuller Avenue? Note that Fuller Ave is directly adjacent to Caltrain tracks, and costs have already been borne by Greater Gardner NAC.
- How will either an additional fenced barrier, or grade separations specifically maintain or improve Fuller park/Plaza?
  - How will the CHSRA alignment maintain the current location of Fuller Park/Plaza, given that a comparable park space is not located nearby? If not where will a replacement park be located? How will CHSRA propose to mitigate the loss of 2 acres of parkland in an area that is fully developed?
  - Irrigation- Will a new HST fenced barrier or grade separations compromise existing or future irrigation systems for Fuller Park/plaza and if so, will Greater Gardner Neighborhood Action Coalition be compensated for existing or future damage?
  - Fencing- will fencing along Fuller park, immediately adjacent to the Caltrain ROW erected as part of the Greater Gardner NAC improvements to Fuller park be compromised by HST additional fenced barrier and/or grade separations?
  - Please evaluate the above costs/mitigations for Fuller park for each of the alignment alternatives including bypassing Greater Gardner neighborhood.

**3.7.4 (pg3.7.42) Moreover, portions of the alignment alternatives would be on aerial structures or in tunnels, allowing for vehicular or pedestrian access across the alignment alternatives.**

- There is an asphalt walkway project along the south side of Virginia street, described in City of San Jose Strong Neighborhoods Initiative Greater Gardner Neighborhood Improvement Plan<sup>2</sup> page 34 Railroad Crossings.
  - Will this need to be redone/reworked, and who decides? When will the evaluation of designated rework take place, and by whom? Will CHSRA bear the costs for any rebuild?
  - Will the city or Greater Gardner be compensated for damage to project incurred by HSR, requiring planning and implementation of rework by Gardner community or will CHSRA manage the rework entirely? What is the approval mechanism for the work?
  - If vehicular at grade crossing at W Virginia is close, how will the CHSRA propose to provide pedestrian access to both ends of W Virginia?



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### GGC NAC HST SF to Merced Public Land Use and Planning Scoping Questions

2. The City of San Jose Strong Neighborhoods Initiative Greater Gardner Neighborhood Improvement Plan<sup>2</sup> action step #8d (page 53) states: “Improve Neighborhood Pedestrian Crossings.”
  - a. Will pedestrian access across any alignments be coordinated with Greater Gardner objectives to “Calm Neighborhood Traffic and Increase Pedestrian convenience”?
  - b. Will HSR impact any enhanced crosswalks in Greater Gardner that occur on Caltrain tracks (or other chosen HSR route tracks) surrounding Virginia, Bird and Delmas? If so, how so?
  - c. Will pedestrian access studies be completed in Greater Gardner prior to pedestrian or vehicular access across the HST alignment to gauge impacts? If so, which agency will execute these studies and how will the results be communicated to the city and residents? Will the outreach occur in Spanish also?
  - d. How will pedestrian access be handicapped enabled (with handicapped ramps) as specified in #8d? What will be the accommodations for guide dog?
  - e. What are the plans of CHSRA for highly visible crosswalks to coordinate with GGC action plan?

### ***3.7.4 (pg 3.7.42) The Authority has also adopted strategies for HST station location options that would incorporate transit oriented design and smart growth land use policies***

1. Since Greater Gardner residential neighborhood is less than one mile from Diridon HST station, how does transit oriented design and smart growth land use apply to Greater Gardner specifically? What is the exact meaning of “transit oriented design and smart growth”?
2. Does the fact that an HST station is being built at Diridon station mean that all San Jose residents are defacto enrolled in a “smart growth” strategy? Will this be voted on by the citizens?
3. What are the smart growth impacts to the following, and how will these impacts be communicated to residents? Will there be community outreach in Spanish?
  - a. Parking and transportation for existing Greater Gardner residents
  - b. Crime and a need for more policing due to the increase in visits to Diridon area above what is specified in the City of San Jose Strong Neighborhoods Initiative, Greater Gardner, Nov 2007 Greater Gardner Neighborhood Improvement Plan Amendment<sup>1</sup>

### ***3.7.5 (pg 3.7.42) in many cases local plans and ordinances do not address transportation options such as the HST system.***

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### GGC NAC HST SF to Merced Public Land Use and Planning Scoping Questions

While the Greater Gardner Strong Neighborhoods Initiative Action Plan does not specifically address HST, it does address many of the *impacts* of HST in the City of San Jose Strong Neighborhoods Initiative, Greater Gardner, Nov 2007 Greater Gardner Neighborhood Improvement Plan Amendment top 10. What are CHSRAs plans to mitigate the following impacts which are addressed in plans for Greater Gardner, San Jose? Specifically,

1. Repair/Reconstruct Deteriorated Streets, Sidewalks and Related Systems (many of which are at or near Caltrain ROW, and likely any other proposed routes for HSR)
2. Increase Neighborhood and Public Safety (concerns with blight caused by grade separations dividing Greater Gardner)
3. Distinguish Greater Gardner with Gateways and Streetscape improvements, and lighting
4. Enhance parking, traffic circulation and pedestrian safety
5. Explore and Implement house painting, Rehabilitation, Vintage housing preservation
6. Improve Neighborhood Open Space (this will be greatly diminished with HST)
7. Mitigate Neighborhood Noise Levels (definite concern with HST)
8. Increase Parks and Rec and Neighborhood services around Gardner Community Center
9. Increase Code Enforcement
10. Reduce Neighborhood Traffic impacts (definite concern with HST)

***3.7.5 (pg 3.7.42) In addition, many local land use plans and ordinances have not been updated for several years, though they may be updated over time to acknowledge and support implementation of a HST system. The potential for land use incompatibility is considered significant at this programmatic level due to the uncertainties involved; however, such impacts may not be realized over the 20- to 25-year time horizon for implementing the HST system.***

The most recent document available for Greater Gardner planning is the City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup>, updated November 2007 (used to prepare many of these questions). From EIR Chapter 14, Sources Used in Document Preparation, documentation used to prepare Section 3.7, Land Use and Planning, Community and Neighborhoods, Property and Environmental Justice, listed below, featured **no** documents created on or after November 2007, and used the *City of San Jose 2020 General Plan adopted August 16, 1994*, as well as the *US Census Bureau data from 2000*. Therefore the Greater Gardner planning documents are more current than the documents used to create the program EIR.

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### GGC NAC HST SF to Merced Public Land Use and Planning Scoping Questions

1. The Greater Gardner coalition neighborhoods has up to date planning data available from 2007 in its neighborhood improvement plan. What is the implication of using obsolete planning documents in CHSRAs analysis?
2. What is the mitigation plan for land use incompatibilities between Greater Gardner action plan and CHSRA in the event of a planning error made by CHSRA based on their use of obsolete planning documents from the City of San Jose?

#### **3.7.5 (pg 3.7.42) A Land Use Compatibility**

***Local land use plans and ordinances would be further considered in the selection of alignment alternatives and station location options. Project-level review would consider consistency with existing and planned land use, neighborhood access needs, and multi-modal connectivity opportunities.***

***---Work with local governments to consider local plans and local access needs and to apply design practices to limit disruption to communities.***

***---Work with local governments to establish requirements for station location option area plans and opportunities for transit-oriented development.***

1. Please describe the consideration process that CHSRA used regarding Greater Gardner land use plans, and Neighborhood Action Plans with respect to the chosen Pacheco alternative route.
  - a. What will be the project level reviews undertaken for Greater Gardner community, and will the the results of these reviews be published? Consistency with existing and planned land use guidelines are specified in City of San Jose Strong Neighborhoods Initiative, Greater Gardner, Nov 2007 Greater Gardner Neighborhood Improvement Plan Amendment<sup>1</sup> but do not appear to be addressed in the program EIR/EIS (and any Greater Gardner planning documents were not referred to in the program EIR/EIS).
  - b. Which local government agencies representing Greater Gardner community, San Jose worked with CHSRA to consider local plans and local access needs for HST such that the design would limit disruption to Greater Gardner? Are there any records of these meetings and what was determined?
  - c. Which local governments representing Greater Gardner community, worked with CHSRA on opportunities for transit-oriented development for HST? Did these transit oriented development meetings with Greater Gardner representatives coordinate HST planning with Greater Gardner LRT drop off area, documented as Action #13, City of San Jose Strong Neighborhoods Initiative Greater Gardner Jan 2002<sup>2</sup> (pg 59)? Are there any records of these meetings and what was determined?
  - d. If the HST transit oriented development planning is in conflict with the Greater Gardner transit oriented planning, related to the LRT dropoff area

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or others, what is the mediation plan? Which agency decides the amt of loss, if any?

### **3.7.5 (pg 3.7.43) B Communities and Neighborhoods**

*Alignment alternatives would be further refined in consultation with local governments and planning agencies, with consideration given to minimizing barrier effects in order to maintain neighborhood integrity. Potential mitigation strategies to reduce the effects of any new barriers would be considered at the project-level environmental review and could include grade separating planned rail lines and streets, new pedestrian crossings, new cross-connection points, improved visual quality of project facilities, and traffic management plans to maintain access during and after construction.*

1. Please explain how each of the different vertical track alignments (i.e. tunnel, trench, track at grade, elevated track), and bypass neighborhood potentially divide (or connect) the community, in comparison to the Greater Gardner Neighborhood Action Plan policies. What is the likelihood that the the at-grade and elevated options will create division of the community?
  - a. Please outline measures to demonstrate how such a project can enhance the community by providing attractive connections and interactions between neighborhoods (Gardner, Willow Glen to the south and Downtown San Jose to the north), commercial areas, schools, and open spaces/parks.
  - b. Outline strategies to avoid total isolation of Greater Gardner neighborhoods, if sandwiched between elevated HSR tracks to the south and 280 to the north.
2. How would CHSRA plan to involve Greater Gardner NAC during the project level environmental review to decide any mitigation strategies for a new barrier? Will there be community involvement? Will there be community outreach in Spanish for this determination?
3. Which new pedestrian crossings and cross connection points are being considered for the Greater Gardner area, and how will those additions to the neighborhood impact the City of San Jose Strong Neighborhoods Initiative, Greater Gardner, Nov 2007 Greater Gardner Neighborhood Improvement Plan Amendment<sup>1</sup> top ten #4 (parking, traffic circulation and pedestrian safety) and #10 (reduce neighborhood traffic impacts)? Have there been any studies to evaluate new pedestrian crossings and cross connection points for Greater Gardner neighborhoods and their impacts? How will the community outreach be developed? Will community outreach of these changes occur in Spanish as well as English?
4. What is meant by “improved quality of project facilities” and traffic management plans as it pertains to Greater Gardner neighborhood during and after construction? What constitutes an improved quality of project facilities? What is the baseline metric from which these improvements were generated? Where was it last used? Are the results of those studies published and available to residents of GGC?

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5. What is the impact of HSR traffic management plans on the City of San Jose Strong Neighborhoods Initiative, Greater Gardner, Nov 2007 Greater Gardner Neighborhood Improvement Plan Amendment<sup>1</sup> top 10 #10 Reduce Neighborhood Traffic Impacts? Are these two initiatives in conflict? If so, what is the mitigation plan?

<sup>1</sup>City of San Jose Strong Neighborhoods Initiative, Greater Gardner, Nov 2007 Greater Gardner Neighborhood Improvement Plan Amendment

<sup>2</sup>City of San Jose Strong Neighborhoods Initiative Greater Gardner Jan 2002 (original plan)

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GGC NAC HST SF to Merced Noise and Vibration Scoping Questions

### **3.4 Noise and Vibration**

#### **San Jose Greater Gardner Existing Noise environment**

The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #7, “**Mitigate Neighborhood Noise Levels**”, specifies specific actions to reduce noise levels in Greater Gardner neighborhood (Caltrain rail quiet zone, freeway sound walls etc.). These improvements are undertaken under the umbrella of the City of San Jose General Plan Noise designations:

*The City of San Jose's General Plan Noise Element contains four noise level objectives that are to be considered in land use planning. These objectives are (1) a long-range, exterior day-night average (Ldn) noise objective of Ldn 55 dBA; (2) a short-range, exterior noise objective of Ldn 60 dBA; (3) an interior noise objective of Ldn 45 dBA; and, (4) a maximum exterior noise level of Ldn 76 dBA that should not be exceeded in order to avoid significant adverse health effects. The last noise criterion addressing adverse health effects is based upon and would apply only to long-term operational noise impacts, and does not apply to temporary noise such as construction activities.*

When a proposed project is subject to CEQA (High speed rail), the noise impact on existing residential land uses are typically evaluated in terms of the increase in existing noise levels, regardless of existing background noise levels; and a significant impact is found if the increase in the 24-hour noise level (Ldn) increases by 5.0 dB or more in an existing residential area..

#### **3.4.1 (pg 3-4.3) Regulatory Requirements and Methods of Evaluation**

***Impact Metric = (Residential Population in the Impact Area/Mile) + 0.3 × (Mixed Use Population in the Impact Area /Mile) + (100 × Number of Hospitals in the Impact Area)/Mile + (250 × Number of Schools in the Impact Area)/ Mile***

1. How was the criteria developed for this metric and scoring, specifically related to Greater Gardner neighborhood, San Jose?
  - a. Given that the current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #7, “**Mitigate Neighborhood Noise Levels**”, specifies that freeway noise is also an issue in the Gardner Neighborhood, would this metric fully account for the total noise impacts experienced by residents as a result of HST?
  - b. How does this metric compare to the City of San Jose General Plan noise criteria? Does this impact metric circumvent the City of San Jose requirements/guidelines?
  - c. Will this metric be used in the project level EIR for HSR?
2. Has this metric been validated/recently used in other projects and if so, which ones?

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3. Schools in impact metric: For the schools considered to be in the impacted area, does this include ALL schools within one mile, including schools on the other side of a major transportation corridor? Gardner has one school within the boundaries of 280, 87 and Caltrain ROW (Gardner Academy), but there are many public, private and charter schools within one mile of the Greater Gardner Caltrain ROW – Gardner Academy, Rocketship Elem, Notre Dame, Sacred Heart, Washington Elementary, etc
  - a. If only Gardner Academy is relevant to this metric, then does that imply that other transportation corridors **isolate** the other schools from Gardner, and hence, they are not counted?
  - b. Related to (a), please elaborate on the number of schools utilized in the impact metric, vs the claims that Greater Gardner residential property impact is LOW, from 3.7 Land Use and Planning table 3.7.2.
    - i. If CHSRA concludes that transportation corridors isolate schools from noise impact metrics, this would imply that additional transportation corridors as discussed in 3.7 Land Use and Planning table 3.7.2 would result in **high** impact from a land use/community perspective- and yet this is not the case for Greater Gardner where impact was slated as LOW- please quantify these results.
4. Will you be using a day time measure and a 24 hour measure for noise? If so how will you resolve conflicts in evaluation of the level of impact between the two measures? If not, why not?

***(pg 3-4.3) Application of Screening Method to Conventional Rail and High-Speed Train Modes***

***For speeds less than 125 mph (201 kph) and for areas near stations, the FTA screening method was used in concert with the FRA method.***

1. Why are FTA screening methods used in conjunction with FRA for speeds under 125mph? How is this appropriate? Are there any noise designations for lower speeds that might be required for S-curve tracks as through Greater Gardner?
2. Is the FTA screening method is required by law? If so why did you use a second method? Was there legal justification here to use a different screening method?
3. Please evaluate the noise using both methods?

***(pg 3-4.3) Urban and noisy suburban areas are grouped together. These areas are assumed to have ambient noise levels greater than 60 dBA Ldn. Similarly, quiet suburban, rural, and natural open-space areas are grouped as areas where ambient noise levels are less than 55 dBA Ldn.***

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GGC NAC HST SF to Merced Noise and Vibration Scoping Questions

*(pg 3-4.11) In the urban areas and suburban areas of the East Bay, San Francisco Peninsula, and San Jose, the ambient noise is estimated to range from Ldn 57 to 66 dBA.*

1. The City of San Jose General Plan features a long-range, exterior day-night average (Ldn) noise objective of Ldn 55 dBA- whereas CHSRA considers San Jose to have an ambient noise level greater than 60 dBA Ldn (assuming San Jose is considered an Urban or Noisy Suburban region). What accounts for the differences here?
2. Please use the City of San Jose's significance criteria to define whether HSR noise impacts are significant with respect to adjacent residential, commercial, park, school, or other uses.
3. Given that The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #7 is "Mitigate Neighborhood Noise Levels", is attempting to adhere to the San Jose General plan noise guidelines. At 55 dba, these are quieter than HSR ambient noise level assumptions. Is CHSRA assumptions in conflict with Greater Gardner noise targets? If so, what is the mitigation plan for the Greater Gardner neighborhood with respect to the neighborhood noise levels and any increase due to HSR? How will GGC Neighborhood be compensated for any increase?

*(pg 3.4-4) To develop a relative comparison of the HST Alignment Alternatives, the results of the screening analysis were adjusted to account for noise reductions from the elimination of at-grade crossings on existing rail lines, where the HST Alignment Alternatives would share the rail corridor.*

1. The Greater Gardner neighborhood already has grade separations for Caltrain. Did the screening analysis exclude any noise reductions for Greater Gardner for places where they already exist?
2. Grade separations in the Greater Gardner area are 1936-style historically designed structures (in some cases ARE historic structures) that retain the original SP medallions. Will these structures remain for HSR? Are the grade separations required for noise mitigation somehow different than Gardners historic grade separations? Will the new structures resemble the old to maintain the integrity of the community? How will these structures be protected during the construction process?
3. What are the noise contours for high speed rail and baseline exclusive of at grade warning horn noise? How do they compare? How will you mitigate any increase in noise from baseline?

*(pg 3.4-5) Noise barrier mitigation is shown to be especially effective for receivers close to the tracks. Although noise barrier walls would not be the only potential mitigation strategy considered, they were used to represent mitigation potential in the*

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*statewide program EIR/EIS (California High-Speed Rail Authority and Federal Railroad Administration 2005) and in this Program EIR/EIS.*

1. Barrier walls are used as the only potential sound mitigation in EIR. What other mitigations are under consideration? Were they used previously in similar situations with High Speed Rail? What their results of their previous use?
2. What will be the noise metric used to determine which noise barrier to use? Will it be the same metric used to gauge sound wall success?
3. The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #7b and #7c, "Mitigate Neighborhood Noise Levels", install and/or improve sound walls along 280 east from Gregory Plaza (at Caltrain tracks) to highway 87, will install sound walls in almost the exact same locations as the HSR sound walls, only at different angles as the two transportation corridors (280+Caltrain) come together.
  - a. Are there any safety issues i.e. earthquakes with numerous sound walls installed in the same locations at differing angles?
  - b. Does either HSR or 280 sound wall preclude the other sound wall from being built and if so, what is the mitigation plan?
  - c. Will the construction of HSR cause DOT to stop assessing or working on the proposed 280 soundwalls and what is the mitigation plan? Is there an appeals process?
4. What is the proposed height of these sound walls for each alternative configuration including bypassing the neighborhood?
5. Will you be providing shadow maps of the area affected by these sound walls, or any increase track height through the neighborhood?
6. What mitigations will be proposed for those impacted by the shadows?
7. What will be the appeal process for those impacted by the sound walls (which is a different group than those impacted by the train).
8. Which alternative noise barriers can be used for each section of Gardner- list all, for the following,
  - a. Guadalupe/87 fwy crossover into Gardner
  - b. Fuller Street east of Bird
  - c. Prevost and Delmas Grade Separations
  - d. Bird Grade Separation
  - e. West of Bird, between Bird and Harrison
  - f. West Virginia and Harrison
  - g. 280 crossover out of Gardner

*(pg 3.4-5) Based on these results, the potential noise impact ratings from screening were adjusted to account for segments where at-grade crossings would be eliminated for existing passenger and freight trains as part of the implementation of HST service along that alignment. A reduction in one impact rating level (high to medium or*

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GGC NAC HST SF to Merced Noise and Vibration Scoping Questions

***medium to low** was made only for alignments where HST speeds would be less than 150 mph (241 kph)*

***\*\*\* Table 3.4-4 Noise and Impact summary: Diridon station noise impact MEDIUM accounting for grade crossing elimination***

1. The current City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #7, "Mitigate Neighborhood Noise Levels", specifies creating a Railway Quiet Zone at Gardner. Given this, is it appropriate to automatically lower high impact to low impact based on horns?
2. What is the precedent for lowering one impact rating based solely on horns?
3. Trains often honk on their way to Tamien which will likely continue, does this remove medium impact status and put all Gardner mitigations back to high impact?
4. Will UPRR and Caltrain be fully fenced within CHSRA's security perimeter? If not will they continue to honk at transients on their tracks? How will this affect your use of lowering the impact rating one level for no warning horns?

***(pg 3.4-7) Low levels of HST noise can result in interference but not necessarily result in annoyance. The number and frequency of HST operations must exceed a certain level or threshold before it is perceived as annoying. Interference is a short-term occurrence. Annoyance, because of the emotional component is more long lasting. Annoyance is the more appropriate criteria in evaluating the receiver experience in pristine open spaces using the metric Time Audible (TA) –***

1. As far as annoyance why did you choose not to use the same criterion in Gardner Neighborhood, particularly since the combination of elevated structures and homes immediately adjacent to the tracks mean high levels of HST noise?
2. Given that table 3.4-3 lists a % time audible of 50 with a 19-21% time annoyed, and since HST trains will be entering Gardner at the rate of 15 per hour, assuming a few minute impact for each train, wouldn't that equate to a 50% time audible for Gardner and the same annoyance factors, even though Gardner is a residential area?

Noise and Vibration- regarding the following related statements,

***(pg 3.4-5) Where speeds are expected to be low, the vibration potential impacts are confined to within 100 ft (30 m) of the track.***

***(pg 3.4-10) For trains on elevated structure, HST noise is increased, partially due to the loss of sound absorption by the ground and partially due to extra sound radiation from the bridge structure. Moreover, the sound from trains on elevated structures spreads about twice as far as it does from at-grade operations of the same train because of clearer paths for sound transmission.***

***(pg 3.4-11) The effects of ground-borne vibration in a building located close to a rail line could at worst include perceptible movement of the floors, rattling of windows, shaking of items on shelves or hanging on walls, and rumbling sounds. None of these***

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GGC NAC HST SF to Merced Noise and Vibration Scoping Questions

*effects are great enough to cause damage but could result in annoyance if repeated many times daily.*

1. The 100 ft vibration potential impacts (with no impacts beyond 100 ft) appears unlikely to many Gardner residents. Are there any railroad studies or other HST implementations where vibration effects can be proven to be limited to only 100ft radius of the train? What is the impact of varying soil types on felt vibrations? In Gardners swamp fill soil what will the expected vibration radius be?
2. Does the fact that the current Caltrain is at grade vs. a possible HST elevated structure mean that despite the general statements about HST as quieter than Diesel, that this would not be true in Gardner? And do track elevations change the resulting answer regarding 100 ft vibration impacts (#1 above)?
3. Please apply question #2, above to any other possible planned routes through the Greater Gardner neighborhood for High Speed Rail, in addition to the existing Caltrain corridor.
4. What are the impacts of this level of sound and vibration on the historic properties in Greater Gardner, most of which were built between 1880-1930? Please be specific, for all proposed routes through Greater Gardner:
  1. Potential foundation damage for properties <100 ft away from train, <200 ft away from train, 300 ft away from train, 400 ft away from train, <500 ft away from train.
  2. Potential damage to windows, windows rattling etc for properties <100 ft away from train, <200 ft away from train, 300 ft away from train, 400 ft away from train, <500 ft away from train.
  3. Potential damage to stucco for properties <100 ft away from train, <200 ft away from train, 300 ft away from train, 400 ft away from train, <500 ft away from train.
5. In the event of structural damage to close by historic homes, what mitigations will be offered to residents? Will foundations, windows and/or stucco walls be covered?
6. Given that Greater Gardner planning area is initiating a process to identify and preserve historic properties within Greater Gardner, what is the mitigation plan for these properties if they are located close to the Caltrain ROW or any of the proposed HSR routes through Greater Gardner neighborhood?

*(pg 3-4.11) Along the proposed alignment alternative on the San Francisco Peninsula, the Caltrain passenger service is a major contributor to the ambient noise levels, especially at grade crossings, where horn noise dominates the noise environment within 0.25 mi (0.40 km) of the intersections.*

1. Identify the noise from horns as well as operations from all trains and any alignments and routes proposed through Greater Gardner, based on the increased frequency of train operations planned for HST. We understand that HST is

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### GGC NAC HST SF to Merced Noise and Vibration Scoping Questions

planning 18 trains per hour, vs. much less frequent Caltrain schedules. Please assume Greater Gardner will be designated as a railway quiet zone as specified in the City of San Jose Strong Neighborhoods Initiative, Greater Gardner Action Plan<sup>1</sup> #7a, “Mitigate Neighborhood Noise Levels”, establish Greater Gardner as a railway quiet zone.

***(pg 3.4-19) Along the Pacheco alignment alternative from Diridon to Gilroy, there are 42.4 miles where noise impacts are rated medium to high and vibration impacts are rated medium.***

1. Evaluate the impact on adjacent properties caused by permanent noise and vibration increases from the rail operations, as well as noise and vibration associated with each construction method, for each route proposed through Greater Gardner.
  - a. Immediately facing tracks: 350-600 block Fuller
  - b. Immediately facing tracks: Fuller Ave park
  - c. Backyard facing tracks 300-500 block Jerome (even numbers)
  - d. One parcel away from tracks, 300-600 block Hull odd and Jerome 300-600 odd
  - e. Biebrach Park
  - f. 3 blks from tracks: W Virginia (east of Bird) and Atlanta Ave.
  - g. Harrison St- 600 blk immediately adjacent to tracks
  - h. Harrison St- 700 blk 2 blocks from tracks
  - i. W. Virginia and Drake Street
  - j. Gregory Plaza tot lot and Fuller Los Gatos Creek Bridge
2. Evaluate how noise levels would vary with the different vertical track alignments (i.e. tunnel, trench, track at grade, elevated track), including all three operators (HST, Caltrain and Union Pacific) and then outline methods to reduce those impacts to “less than significant” levels. The impacts of such methods, particularly noise walls, should also be evaluated for their visual impacts.

***(pg 3-4.19) Along the Pacheco alignment alternative from Diridon to Gilroy, there are 42.4 miles where noise impacts are rated medium to high and vibration impacts are rated medium. Four schools are located along this alignment, and there are 131 ac of parkland and varying residential populations.***

1. Please elaborate on the 4 schools you feel are located on the Diridon to Gilroy alignment. Does this include Gardner Academy, 502 Illinois Ave, San Jose, in the Gardner neighborhood?
2. What about these schools in the immediate area of Greater Gardner (but not specifically in Gardner)- Rocketship Elementary and Sacred Heart? These 3



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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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### GGC NAC HST SF to Merced Noise and Vibration Scoping Questions

schools, Gardner, Rocketship and Sacred Heart are all within 2 blocks of the Caltrain tracks within one mile of Tamien Station and Greater Gardner neighborhood. Where there decisions made regarding choice of route based on this information about number of schools on the route? How will this change decisions regarding HSR and Greater Gardner neighborhood so far?

3. How will noise and vibration impacts affect park user experience at each of the GGC neighborhood parks, including Fuller Park, Biebrach Park, Hummingbird Park, Gardner Academy Soccer Field, and Gregory Plaza Tot Lot.

### (pg 3.4-20) Short Term Construction Noise and Vibration

City of San Jose significance criteria for construction noise:

*For construction noise sources, it is appropriate to equate the average or equivalent noise level (Leq) to Ldn when the disturbing noise does not occur during evening and nighttime hours from 7 P.M. to 7 A.M. An exterior noise criterion of Ldn 60 dBA is approximately equal to an Leq of 62 dBA for construction noise in the above conditions. Hence, any construction noise levels at sensitive receptor locations that exceed an Leq of 62 dBA would be considered a significant noise impact.*

1. Table 3.4-5 lists various construction noise levels at 100ft, all of which are significant given the City of San Jose significance criteria, above. Please Evaluate the impact on adjacent properties caused by vibration associated with each construction method, since few properties will exist exactly 100 ft away from construction.
  - a. Immediately facing tracks: 350-600 block Fuller
  - b. Immediately facing tracks: Fuller Ave park
  - c. Backyard facing tracks 300-500 block Jerome (even numbers)
  - d. One parcel away from tracks, 300-600 block Hull odd and Jerome 300-600 odd
  - e. Biebrach Park
  - f. 3 blks from tracks: W Virginia (east of Bird) and Atlanta Ave.
  - g. Harrison St- 600 blk immediately adjacent to tracks
  - h. Harrison St- 700 blk 2 blocks from tracks
  - i. W. Virginia and Drake Street
  - j. Gregory Plaza tot lot and Fuller Los Gatos Creek Bridge
2. Analyze construction and engineering techniques that would reduce construction noise and excavation impacts on adjacent properties, and to preserve existing vegetation and/or provide extensive new mitigation screening, including but not limited to:
  - a. Specifying the quietest equipment available
  - b. Turn off equipment during periods of non use
  - c. Stop at Diridon and have a bus bridge for construction period

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**Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016)**  
**- Continued**

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GGC NAC HST SF to Merced Noise and Vibration Scoping Questions

3. Construction Mitigation: Estimate the costs of construction and mitigation measures for construction damage and identify who would be responsible for evaluating and bearing the costs.

<sup>1</sup>City of San Jose Strong Neighborhoods Initiative, Greater Gardner, Nov 2007 Greater Gardner Neighborhood Improvement Plan Amendment

<sup>2</sup>City of San Jose Strong Neighborhoods Initiative Greater Gardner Jan 2002 (original plan)

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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GGC NAC HST SF to Merced Public Parks and Recreation Scoping Questions

### 3.16 Section 4(f) and 6(f) Resources (Public Parks and Recreation)

*“Section 6(f) directs DOI to ensure that replacement lands of equal (monetary), location, and usefulness are provided as conditions to such conversions. Consequently, where such conversions of Section 6(f) lands are proposed for transportation projects, replacement lands must be provided.”*

*“California statutes similarly require replacement lands....a public agency that acquires public parkland for nonpark use must either pay compensation that is sufficient to acquire substantially equivalent substitute parkland or provide substitute parkland or comparable characteristics.” (Program Level EIR, pg. 3.16-2)*

There are four existing parks through the Greater Gardner neighborhoods, one school with grounds used as a park and two proposed parks which could be impacted by the proposed HSR route through the Greater Gardner neighborhood. Please evaluate the possibility of replacing or expanding park area along Fuller Avenue in conjunction with an underground configuration. The lack of open space within the neighborhood is one of the challenges cited in the Greater Gardner Plan 2002 (revised 2007).

The park which will be most directly impacted by the proposed HSR route is Fuller Park which lies between Fuller Avenue and the existing Caltrain Tracks. After many years of work, this park has recently been completed at a cost of \$850,000. Immediately adjacent to the Caltrain ROW are large old growth evergreens that provide aesthetics, habitat (including Raptors), shade and some noise mitigation - an incredible sense of tranquility to a busy neighborhood. Please evaluate the varying impacts (in terms of property, noise, vibration, aesthetics and usability) on the park which would result from a train alignment in each these 5 alignments: at grade, elevated, in a trench or underground, and bypassing the Greater Gardner neighborhoods, including loss of use of park during construction. If Fuller Park or parts of it are lost to provide a path for the HSR, what compensation to the neighborhood will be provided since there is not comparable open space available within the neighborhood? If removal of trees becomes necessary, what form of mitigation will be offered for all impacts? If there is no comparable open space on which to create a replacement park, does this become an issue of Environmental Justice? If parts of Fuller Park are lost to the HSR path, please list all measures possible to create beautification for a possible sound wall and remaining parts of the park. What will be the time frame for creating these measures and how will the community be notified and involved? What will be the appeals process?

Biebrach Park is the largest and most heavily used neighborhood park. Significant recent improvements including new community center, rebuilt pool, fencing, childrens play area, bathrooms etc. cost upwards of \$8 million. It is within one block north of the current Caltrain track. It includes a heavily used community center, soccer field and swimming pool, and tot lot. Taking into account the unstable soils in the neighborhood as documented in the Greater Gardner Plan 2002 (rev 2007), please evaluate especially with regards to noise, vibrations, and usability the varying impacts on the park and swimming

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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### GGC NAC HST SF to Merced Public Parks and Recreation Scoping Questions

pool which would result from a train alignment in each of these five alignments: at grade, elevated, in a trench or underground, or bypassing the Greater Gardner neighborhoods, including loss of use during construction. Please list all measures possible to mitigate the impacts for the five scenarios. Please also evaluate this in terms of environmental justice issues.

Gregory Tot Lot is located in the far west corner of Gregory Plaza between Gregory Street and the I-280 sound wall. This park is heavily used and severely impacted by freeway noise. Please evaluate especially with regards to noise and vibrations, the varying impacts on the park which would result from a train alignment in each of these five scenarios: at grade, elevated, in a trench or underground, and bypassing Greater Gardner neighborhoods. Please list all measures possible to mitigate the impacts for the five scenarios. Please also evaluate this in terms of environmental justice issues.

Hummingbird is located on the corner of Fisk and Bird. This park is heavily used. Please evaluate especially with regards to noise and vibrations, the varying impacts on the park which would result from a train alignment in each of these five scenarios: at grade, elevated, in a trench or underground, and bypassing Greater Gardner neighborhoods. Please list all measures possible to mitigate the impacts for the five scenarios. Please also evaluate this in terms of environmental justice issues.

Gardner Academy playing fields are heavily used by a children's neighborhood soccer league and baseball league. Please evaluate especially with regards to noise and vibrations, the varying impacts on the park which would result from a train alignment in each of these five scenarios: at grade, elevated, in a trench or underground, and bypassing Greater Gardner neighborhood. Please list all measures possible to mitigate the impacts for the five scenarios. Please also evaluate this in terms of environmental justice issues.

There is also an area within the Greater Gardner Neighborhoods on which neighbors wish to build a park either for dog walking or a community garden: a city owned parcel which runs along the railroad tracks between Harrison Street and Bird Avenue. This was first identified in the Greater Gardner Plan of 2002 and reconfirmed in the 2007 revision. If this parcel is needed by the HSR, please list all possible measures which could be taken to mitigate the loss of open space on the neighborhood.

Finally, there is a parcel of land owned by the Joint Powers Authority between West Virginia and Harrison Streets along the railroad track. This area has been used as a BMX bike track by neighborhood children and viewed as a possible site for a community garden. If this parcel is needed by the HSR, please list all possible measures which could be taken to mitigate the loss of open space on the neighborhood.

In the Program-Level EIR, the only evaluative criteria used to assess impacts on parks was distance from the proposed HSR train tracks. In the project-level EIR, please also assess impact on parks in regards to noise and vibration, aesthetics and environmental justice issues. In the Greater Gardner Community, *"portions of the neighborhood have*

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Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016)  
- Continued

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GGC NAC HST SF to Merced Public Parks and Recreation Scoping Questions

*been built in swamp fill...(leading to) instability."* (Greater Gardner Neighborhoods Improvement Plan, p19). Please investigate the increased vibrations resulting from the unstable quality of the soils with soil studies specific to the Greater Gardner Area.

How will the community be informed about HSR plans impacting each of these 7 parkland areas? In what languages?

Who will be the public officials with whom the HSRA will consult (pg. 3.16-21) in order to obtain concurrence about HSRA plans for the parklands in Greater Gardner? Will this include Board Members from the Greater Gardner NAC? If not, why not? Will this include the 2 city Council members for Greater Gardner? If not, why not?

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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GGC NAC HST SF to Merced Geology and Soils Scoping Questions

### **3.13 Geology and Soils**

*(pg 3.13-19) San Jose to Central Valley Corridor*

*The Pacheco alignment is located in areas of potentially strong ground motion, and to a lesser extent, areas potentially subject to liquefaction and/or other types of seismically induced ground failure (Figures 3.13-2 and 3.13-3).*

Greater Gardner Expansive Soils: Greater Gardner residents are concerned about property damage as a result of High Speed Rail construction or operations, that occur as a result of the “expansive soils” problems that are well known to the area. Many residents have needed to rebuild their foundations multiple times in the past, and others have been denied the ability to refinance their property, or obtain home equity loans (from World Savings in at least one case), specifically due to the soils and appraisal issues thereof.

From City of San Jose Strong Neighborhoods Initiative Greater Gardner Jan 2002 (original plan) <sup>2</sup>

**Soils Conditions** - Expansive soils underlie large areas of the neighborhood. Effects on the public right-of-way include buckling streets and sidewalks and damaged sewers. (pg 10)

The neighborhood is located atop a former wetland, and pervasive unstable soils affect the stability of structures and paving throughout the area. In addition, the area was once an orchard, and farmers pumped groundwater heavily from the aquifer below; subsidence has been reduced by Santa Clara Valley Water District groundwater recharge policies. (pg 7)

Though Greater Gardner has strong neighborhood fundamentals, a number of factors detract from the quality of life. Most notably, unstable soils cause damage to streets, sidewalks, and homes. Houses with severely cracked foundations, and streets with dips, bumps and cracks, are visible throughout many areas of the neighborhood, negatively affecting property values. (pg 3)

Property damage to Greater Gardner structures from **train operations** as a result of soil conditions.

1. Please elucidate the impacts to Greater Gardner residents, and the Greater Gardner Neighborhood Coalition/City of San Jose (for the public structures) in event of the following types of damage instigated by the high speed rail vibrations as a result of soils issues during ongoing train operations:
  - a. Cracked Foundations
  - b. Construction damage – frame – doorjams and windows
  - c. External Stucco Damage
  - d. Damage to internal lath and plaster, or drywall and ceiling

- 1 -



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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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### GGC NAC HST SF to Merced Geology and Soils Scoping Questions

- e. Pipe Damage
  - f. Property Damage Inside the Home as a result of shaking
  - g. Sidewalks, curbs, gutters, sewers, roads and other public infrastructure
  - h. Community centers, schools, pools, and other public buildings
  - i. Places of worship
2. For the types of damage from (1) above, please outline the mitigations for structures at the following locations as they pertain to the HST alignments (or any other proposed alignment) including alternatives that bypass Greater Gardner Neighborhoods, and explain whether there will be a mediation or appeals process? What level of proof will be property owners be required to present?
- a. Immediately facing tracks: 350-600 block Fuller
  - b. Immediately facing tracks: Fuller ave park
  - c. Backyard facing tracks 300-500 block Jerome (even numbers)
  - d. One parcel away from tracks, 300-600 block Hull odd and Jerome 300-600 odd
  - e. Biebrach park
  - f. 3 blks from tracks: W Virginia (east of Bird) and Atlanta Ave.
  - g. Harrison St- 600 blk immediately adjacent to tracks
  - h. Harrison St- 700 blk 2 blocks from tracks
  - i. W. Virginia and Drake Street
  - j. Gregory Plaza Tot Lot and Fuller Los Gatos Creek Bridge

### Property damage to Greater Gardner structures from **train construction** as a result of soil conditions.

Train construction vibration damage can be even more significant than ongoing operations due to pile drivers, large (overweight) trucks present in the neighborhood, etc.

1. Please elucidate the impacts to Greater Gardner residents, and the Greater Gardner Neighborhood Coalition/City of San Jose (for the public structures) in event of the following types of damage instigated by the high speed rail vibrations as a result of soils issues during train construction:
- a. Cracked Foundations
  - b. Construction damage – frame – doorjams and windows
  - c. External Stucco Damage
  - d. Damage to internal lath and plaster, or drywall and ceiling
  - e. Pipe Damage
  - f. Property Damage Inside the Home as a result of shaking
  - g. Sidewalks, curbs, gutters, sewers, roads and other public infrastructure
  - h. Community centers, schools, pools, and other public buildings
  - i. Places of worship

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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### GGC NAC HST SF to Merced Geology and Soils Scoping Questions

2. For the types of damage from (1) above, please outline the mitigations for structures at the following locations as they pertain to the HST alignments (or any other proposed alignment), including alternatives that bypass Greater Gardner Neighborhoods, and explain whether there will be an appeals process? What level of proof will be property owners be required to present? Because damage from construction is expected to be more significant, how will mitigations be correspondingly more significant?
  - a. Immediately facing tracks: 350-600 block Fuller
  - b. Immediately facing tracks: Fuller Park
  - c. Backyard facing tracks 300-500 block Jerome (even numbers)
  - d. One parcel away from tracks, 300-600 block Hull odd and Jerome 300-600 odd
  - e. Biebrach Park- community center, pool and playlot
  - f. 3 blks from tracks: W Virginia (east of Bird) and Atlanta Ave.
  - g. Harrison St- 600 blk immediately adjacent to tracks
  - h. Harrison St- 700 blk 2 blocks from tracks
  - i. W. Virginia and Drake Street
  - j. Gregory Plaza Tot Lot and Fuller Los Gatos Creek Bridge
  - k. Hummingbird Park
  - l. Word of Faith Church – immediately adjacent to tracks

#### **Liquefaction**

The soil condition of Liquefaction is technically different from the issue of expansive soils, above- although the impacts of each can be similar.

According to the State of California map of Seismic Hazard Zones, “San Jose West Quadrangle”, official map released Feb. 7, 2002, the Greater Gardner area of San Jose is indicated as:

***An area where historic occurrence of liquefaction, or local geological, geotechnical and groundwater conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693c would be required.*** Note that Greater Gardner area represents the highest designation for liquefaction according to the State of California official map.

ABAG Association of Bay Area Governments designation of Greater Gardner Neighborhood:

- Liquefaction Index : Liquefaction Susceptability Highest Hazard
- Shaking Index: VIII Very Strong

Source: gis.abag.ca.gov

Property damage to Greater Gardner structures from **train operations or construction** as a result of liquefaction:

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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### GGC NAC HST SF to Merced Geology and Soils Scoping Questions

1. Please elucidate the impacts to Greater Gardner residents, and the Greater Gardner Neighborhood Coalition/City of San Jose (for the public structures) in event of the following types of damage instigated by the high speed rail vibrations as a result of liquefaction during ongoing train operations:
  - a. Cracked Foundations
  - b. Construction damage – frame – doorjams and windows
  - c. External Stucco Damage
  - d. Damage to internal lath and plaster, or drywall and ceiling
  - e. Pipe Damage
  - f. Property Damage Inside the Home as a result of shaking
  - g. Sidewalks, curbs, gutters, sewers, roads and other public infrastructure
  - h. Community centers, schools, pools, and other public buildings
2. For the types of damage from (1) above, please outline the mitigations for structures at the following locations as they pertain to the HST alignments (or any other proposed alignment), including alternatives that bypass Greater Gardner Neighborhoods, and explain whether there will be an appeals process? What level of proof will be property owners be required to present?
  - a. Immediately facing tracks: 350-600 block Fuller
  - b. Immediately facing tracks: Fuller ave park
  - c. Backyard facing tracks 300-500 block Jerome (even numbers)
  - d. One parcel away from tracks, 300-600 block Hull odd and Jerome 300-600 odd
  - e. Biebrach park
  - f. 3 blks from tracks: W Virginia (east of Bird) and Atlanta Ave.
  - g. Harrison St- 600 blk immediately adjacent to tracks
  - h. Harrison St- 700 blk 2 blocks from tracks
  - i. W. Virginia and Drake Street
  - j. Gregory Plaza Tot Lot and Fuller Los Gatos Creek Bridge
  - k. Hummingbird Park
  - l. Word of Faith Church – immediately facing tracks

### **Earthquakes: Existing faults and previously unknown faults**

The Greater Gardner area of San Jose is buttressed by numerous earthquake faults. The San Andreas, Hayward, Calaveras and their branch faults. Additionally it appears that new San Jose faults are discovered often, i.e.

On March 30, 2009 an earthquake in San Jose uncovered a new fault, 16 miles east of the downtown San Jose (which is very close to Greater Gardner neighborhood in Seismic terms), probably a branch off of the San Andreas fault. See “Magnitude 4.3 earthquake hits South Bay; new Fault Discovered” San Jose Mercury News 3-30-2009 for details.

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## Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016) - Continued

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### GGC NAC HST SF to Merced Geology and Soils Scoping Questions

During the 1989 Loma Prieta Earthquake the Greater Gardner Neighborhoods sustained significant structural damage. This included foundation and total building failure which required the demolition and rebuilding of many homes.

1. Regarding earthquakes, how would any impacts vary with different vertical track alignments, on either the Caltrain ROW or any other potential track alignments through Greater Gardner? Which vertical track alignments can reduce potential damage impacts for the Greater Gardner neighborhood in the event of a forceful quake from any nearby fault?
2. Would the existence of an elevated structure through the center of Greater Gardner where the Caltrain tracks are now create the possibility of a “Cypress structure effect” *within* the Greater Gardner neighborhoods in the event of a powerful earthquake? The Cypress structure was an elevated freeway built on somewhat unstable soils that collapsed in the Loma Prieta earthquake killing many people in 1989. Would this possibility exist with any other route alignments and/or vertical track alignments that are being considered for HSR?
3. Please elucidate the effects of a major earthquake on the High Speed Rail infrastructure you intend to install in the Greater Gardner Neighborhood, given the soils conditions, should a high magnitude quake (Loma Prieta or Northridge scale) occur on one of the following closeby faults, for every potential vertical track alignment or potential route choice through Greater Gardner.
  - a. Calaveras
  - b. Calaveras branch (the new one, above)
  - c. Hayward
  - d. San Andreas
  - e. Any other faults in the area
4. For the analysis conducted for (3) above (major earthquake, various faults, various alignments for HSR), including alignments that avoid Greater Gardner neighborhoods, please outline the impacts and/or any mitigations for property damage to the following locations within Greater Gardner:
  - a. Immediately facing tracks: 350-600 block Fuller
  - b. Immediately facing tracks: Fuller ave park
  - c. Backyard facing tracks 300-500 block Jerome (even numbers)
  - d. One parcel away from tracks, 300-600 block Hull odd and Jerome 300-600 odd
  - e. Biebrach park
  - f. 3 blks from tracks: W Virginia (east of Bird) and Atlanta Ave.
  - g. Harrison St- 600 blk immediately adjacent to tracks
  - h. Harrison St- 700 blk 2 blocks from tracks
  - i. W. Virginia and Drake Street
  - j. Gregory Plaza Tot Lot and Fuller Los Gatos Creek Bridge
  - k. Hummingbird Park
  - l. Word of Faith Church – immediately adjacent to tracks

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**Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016)**  
**- Continued**

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GGC NAC HST SF to Merced Geology and Soils Scoping Questions

<sup>1</sup>City of San Jose Strong Neighborhoods Initiative, Greater Gardner, Nov 2007 Greater Gardner Neighborhood Improvement Plan Amendment

<sup>2</sup>City of San Jose Strong Neighborhoods Initiative Greater Gardner Jan 2002 (original plan)

Submission B007 (Harvey Darnell, Greater Gardner Coalition, July 20, 2016)  
- Continued

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City of San Jose  
Strong Neighborhoods Initiative  
Greater Gardner Coalition  
Neighborhood Action Coalition

California High Speed Rail  
San Jose to Merced EIR/EIS Scoping Questions

Submitted  
April 6, 2009



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Submission B008 (Bright, Urban, Newhall Neighborhood Association, June 20, 2016)

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**Response Requested :**

**Affiliation Type :** Businesses and Organizations

**Interest As :** Businesses And Organizations

**Submission Method :** Project Email

**First Name :** Bright,

**Last Name :** Urban

**Business/Organization :** Newhall Neighborhood Association

**Email :** matthew.bright@newhallna.org

**Stakeholder** Mr. McLoughlin, Mr. Tripousis, and other interested persons,

**Comments/Issues :**

Please find attached the Newhall Neighborhood Association's comments in response to the NOP for the SF-SJ Section EIR/EIS.

We look forward to your feedback. In case of any questions, please feel free to contact both John Urban (in CC) and me.

Thank you in advance for your consideration of these points that are very important to our neighbors.

Best regards,

Matt Bright

--

Matthew Bright  
President

Newhall Neighborhood Association - San José, CA  
matthew.bright@newhallna.org

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## Submission B008 (Bright, Urban, Newhall Neighborhood Association, June 20, 2016)

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June 20, 2016

**Mark A. McLoughlin** (san.francisco\_san.jose@hsr.ca.gov)  
Director of Environmental Services, California High Speed Rail Authority

**Ben Tripousis** (ben.tripousis@hsr.ca.gov)  
Northern California Regional Director, California High Speed Rail Authority

**Raul Perez** (raul.perez@sanjoseca.gov)  
City Councilmember, District 3, City of San Jose

**Pierluigi Oliverio** (pierluigi.oliverio@sanjoseca.gov)  
City Councilmember, District 6, City of San Jose

*Via Email*

Mr. McLoughlin, Mr. Tripousis, and other interested persons:

Greetings from the Newhall Neighborhood Association, a community organization dedicated to building community and encouraging responsible development in the western gateway to central San José. Our approximately 3,000 residents inhabit the geographic area bounded by Coleman Ave, Interstate 880, Park Ave, and the City of Santa Clara border. The Caltrain/HSR proposed blended corridor, future VTA BART corridor, and California Highway 82 are central to our community, and Mineta San José International Airport is immediately adjacent to our border.

We write today with several scoping statements related to the Notice of Preparation of the San Francisco to San Jose Project Section EIR/EIS of the California High-Speed Rail System.

To orient you along the proposed blended system, the Newhall neighborhood is located in the city of San Jose between San Jose Diridon Station and Scott Boulevard in Santa Clara. For reference purposes, this largely residential neighborhood borders the Newhall Yard railroad facility to the northwest side of the Interstate 880 crossing. We write primarily to address concerns based on our relatively unique situation: the section of the proposed blended system that fronts our neighborhood (specifically, the 4.5-mile segment from Diridon Station to Scott Boulevard) is covered in both the San Jose – Merced (SJ-Merced) and San Francisco – San Jose (SF-SJ) environmental review processes, but is apparently considered separately by two separate teams. Our understanding is that the SF-SJ team is primarily evaluating the at-grade alternative while the SJ-Merced team is primarily evaluating the elevated alternative.

To facilitate your reply, we use bullet points rather than a continuous narrative.

### Comments and Requests:

- We expect and request that the EIR/EIS to evaluate impacts on residential uses in the Newhall neighborhood based on both the elevated alternative proposed in the SJ-Merced segment and the at-grade alternative proposed in the SF-SJ segment. We expect close coordination between the project teams to ensure that this 'middle ground' – part of the planning of both segments – is planned in a way that is particularly sensitive to the residential uses directly adjacent to the rail corridor.

The Newhall Neighborhood Association - San José, California | Est. 1991  
[www.newhallna.org](http://www.newhallna.org) | [facebook.com/newhallna](https://facebook.com/newhallna) | @NewhallNA

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Submission B008 (Bright, Urban, Newhall Neighborhood Association, June 20, 2016) - Continued

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- We expect and request that the EIR to evaluate the noise, vibration, and visual/view impacts, including a determination of residents' ability to maintain quiet enjoyment of their residential properties, for all nearby residents. In particular, we would like to highlight the two- and three-level residential buildings along the Campbell Avenue corridor (situated between Campbell Avenue and the rail corridor) for all evaluated alternatives, including the at-grade and elevated alternatives. Note that the second and third levels of these residences are not protected by the existing sound wall.
- We request that, with respect to elevated and at-grade decisions made on either side of Diridon, the densely-populated (with maximum density directly adjoining the rail corridor) Newhall neighborhood be given equal or above-equal weight in assessing impacts to adjoining residential uses along the corridor.
- We expect and request that the EIR/EIS to detail mitigation measures related to construction staging work in or around the referenced segment, including construction vehicle access points, to minimize impacts on residential uses, including residential uses on both sides of the rail corridor.
- We expect and request that the EIR/EIS to evaluate the cumulative impacts of the VTA BART Phase II extension proposed between Berryessa and Santa Clara. Cumulative noise and vibration impacts include existing passenger and freight train traffic, existing airport traffic, planned BART vehicle traffic (including the impacts of any tunnel portal and power stations), planned BART maintenance facility, and proposed HSR vehicle traffic.
- In the interest of fairness, we request that the EIR/EIS evaluate the cumulative historical and recent concessions made by certain highly impacted neighborhoods adjacent to the rail corridor. As an example, neighborhoods north of Diridon Station have seen local road closures (track crossings) due to intensification of rail activity in the area. Uniquely, neighborhoods north of Diridon Station grudgingly deal with more than 100 scheduled passenger trains per week, including Caltrain, ACE, and Capital Corridor, plus freight traffic and late night disruptive train coupling operations at the Newhall Yard. Future BART service will add to the burden of neighborhoods north of Diridon Station.

Thank you for your consideration of this input. We look forward to your feedback regarding this important project.

Sincerely,

John Urban  
Past President  
Newhall Neighborhood Association  
urbanjohnnewhall@yahoo.com

Matthew Bright  
President  
Newhall Neighborhood Association  
matthew.bright@newhallna.org

The Newhall Neighborhood Association - San José, California | Est. 1991  
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**Submission B009 (Penny Ellson, Palo Alto Council of PTAs (PTAC), June 13, 2016)**

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**Response Requested :**

**Affiliation Type :** Businesses and Organizations

**Interest As :** Businesses And Organizations

**Submission Method :** Project Email

**First Name :** Penny

**Last Name :** Ellson

**Business/Organization :** Palo Alto Council of PTAs (PTAC)

**Email :** pellson@pacbell.net

**Stakeholder** HSR Scoping Comments:

**Comments/Issues :**

In 2009 the Palo Alto Council of PTAs (PTAC) unanimously voted to approve and submit the attached comments.

I am forwarding the 2009 submittal (attached) with a request that you address the 2009 comments in the current EIR process. The absence of current comments on school commute safety should not be taken to mean the PTA is not deeply concerned about potential impacts of High Speed Rail on PAUSD schools and school commute routes. We simply did not receive the call for scoping comments in time to meet and vote to approve new comments before the end of the school year when the PTAC breaks for summer.

About half of Palo Alto Unified School District (PAUSD) school children choose alternative school commutes. Of these alternative commuters, the majority choose foot-powered commutes-walking, bicycling to school. Increasing numbers of adults in our community are also choosing active, sustainable commutes as the city has committed tens of millions of dollars to improving bike and pedestrian street facilities throughout our community.

The city, along with the PTA and PAUSD supports a robust, comprehensive Safe Routes to School partnership which encourages alternative commutes, engineers safer walking and biking facilities, educates children and parents on bike and pedestrian safety skills. We are proud to have one of the most successful Safe Routes to School programs in the nation. Please do not ignore that important investment in your analysis of impacts on our transportation infrastructure, operations and safety.

The safety needs of very large numbers of youth and adult pedestrians and bicyclists using streets that cross and are affected by the rail corridor during peak times and throughout the day has been completely ignored by the HSR analysis to date. HSR analysis has looked exclusively at motor vehicle impacts. This is inadequate analysis to understand how at-grade HSR will impact transportation facilities in a community with unusually high and growing numbers of bicycle and walking trips, especially youth school commuters.

To help you understand the scope of the problem of rail interaction with school commuters, please look at October 2015 bike counts at PAUSD secondary schools (Compare these numbers to those in the attached 2009 letter. Note the significant increase at each school site.):

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Submission B009 (Penny Ellson, Palo Alto Council of PTAs (PTAC), June 13, 2016) - Continued

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- \*Gunn High School, 830 bikes, representing 44% of students
- \*Palo Alto High School, 845 bikes, representing 43% of students
- \*Terman Middle School, 279 bikes, representing 37% of students
- \*Jane Lathrop Stanford Middle School, 581 bikes, representing 52% of students
- \*Jordan Middle School, 627 bikes, representing 55% of students

Many more students walk and ride public transit to PAUSD middle schools and high schools. These numbers are substantial when one considers 12,506 students and 1,834 faculty and staff travel to PAUSD's 17 school sites each day. Each of them potentially would be generating morning and afternoon daily car trips if other transportation modes were not convenient and safe.

HSRA appears to be advocating for at-grade solutions in their analysis, without giving fair attention to the impacts of at-grade crossings on all other modes. Dramatically increasing the number and speed of trains on well-used school routes has huge implications for foot-powered school commute safety which must be considered.

We find that congestion caused by train preemption on arterial and collector streets presently can sometimes divert auto traffic onto low-volume, calmer neighborhood streets, especially with the advent of new apps like Waze. Please study the potential for safety impacts of increasing traffic diversion to neighborhood streets that serve as school commute routes connecting to severely affected rail crossing streets like East Meadow, Churchill, and Charleston. Specifically, please study how at-grade vs. trenched rail at Charleston, East Meadow and Churchill crossings may affect traffic diversion onto neighborhood school commute routes that connect to these arterial and collector corridors.

To understand how the school commute bike/pedestrian network is laid out, please look at suggested school route maps (called Walk & Roll maps) which have commute routes that interact with the rail corridor:

<http://www.cityofpaloalto.org/gov/depts/pln/transit/saferoutes.asp> You will see that most school sites in the district have routes that will be affected directly or indirectly by auto congestion caused by train preemption.

Details of our bike and pedestrian network plan can be found in the City of Palo Alto Bicycle & Pedestrian Transportation Plan located here along with a bike network map here

<http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=499>  
<<http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=499&TargetID=107>> &TargetID=107 .

East-west rail corridor or crossings that serve as major school routes should be carefully studied to understand impacts of HSR on bicycle and pedestrian safety and operations. Bike/ped safety must also be taken into account. Quad gates may be adequate to improve safety for motor vehicles, but they do not begin to address the safety needs of children commuting to school.

There is also the matter of youth suicides. Caltrain and HSRA are

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Submission B009 (Penny Ellson, Palo Alto Council of PTAs (PTAC), June 13, 2016) - Continued

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well aware that Palo Alto youth suicide clusters on the tracks have drawn national attention in recent years. These tracks intersect school routes that children use every day. The current at-grade configuration poses unnecessary risk. Its presence is a daily reminder to students of past tragedy that, no doubt, contributes to local suicide cluster contagion and draws suffering people to it. It is high time, and an ethical obligation, to address this danger to youth in our community as HSRA plans to increase the speed and frequency of trains-increasing the potential for tragic student encounters with trains-whether deliberate or accidental. It would be irresponsible to leave the wide open at-grade crossing in place as HSRA increases the known danger. Please study the potential for increased suicides with increase of speed and frequency of trains on this corridor.

The rail corridor already creates an impediment to east-west transportation in Palo Alto and other Peninsula cities That can be made far worse by the proposed increase in trains. Palo Alto has been exploring ways to improve east-west collector, arterial and expressway traffic congestion-which also include bus and shuttle transit. Please study how east-west alternative transit will operate on schedule with the congestion levels that will result from various at-grade rail options. HSRA has only studied motor vehicles without considering the likely increase of bus transit. It is not adequate to assume that 2030 auto congestion will be so severe as to make grade separation

Grade-separated connectivity improvements are a particularly high priority in the southern half of the study area, which has very long distance without any grade separated crossings between Oregon Expressway and San Antonio Road-neither which is friendly at all to bicyclists and pedestrians. Please study the environmental benefits of adding grade separated crossings in the south on routes that are friendly to bicyclists and pedestrians.

Additional requests for analysis:

- 1). Any operating agreement should be included and studied as part of this project. Any reduction of Caltrain trains frequency, length of trains, limitations on increasing service to serve local commute needs, or schedule changes must be measured and mitigated.
- 2). All current assumptions should be questioned. For example: Question the assumption that freight must run on this corridor. If freight is eliminated, would adjusted grade requirements enable below grade separation of rails and make it more cost effective? Analyze costs related to this solution and benefits of below grade separation compared to at-grade separation. Analyze the benefits of enabling more Caltrain and HSR trains to run across the Peninsula with minimal disruption of all other modes of transport. Trenching or tunneling would also reduce noise and visual impacts of the project. Please study these benefits of below-grade rail separation and compare to at-grade option.
- 3). The FINAL Caltrain/HSR Blended Grade Crossing and Traffic Analysis (June 2013) states that the proposed blended system "will



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Submission B009 (Penny Ellson, Palo Alto Council of PTAs (PTAC), June 13, 2016) - Continued

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increase train frequency along the corridor impacting gate down time and traffic operations at at-grade railroad traffic crossings."It says impacts of 5 vs. 6 Caltrain trains/peak hour /direction "is negligible."Of course, this only studies auto impacts on the crossing streets. We know that as congestion worsens frustrated driver behavior poses increasing risk to alternative commuters. We see increases in the number of drivers who illegally drive in bike lanes and cut through quiet neighborhood streets. These additional impacts of increased congestion caused by increased at-grade trains MUST be studied. We also know that increases in auto impacts of this kind discourage people from walking and bicycling -and has the potential to reverse our gains in mode shift.

Please study how Caltrain service will be impacted by HSR during construction. Will Caltrain be able to operate at full capacity while HSR construction is underway?

Caltrain is the backbone of the Peninsula transportation system. The Peninsula needs electrification now. A blended system is a creative solution, but it can only work with grade separation. With grade separation, High Speed Rail might deliver real improvement to California public transit. However, if an at-grade HSR prevents Caltrain from increasing service to meet growing commuter service demands of local communities, that future impact must be measured and balanced against the supposed benefits of HSR.

At-grade HSR has the potential to devastate the economic engines of Silicon Valley and local auto and alternative transportation systems. Overall, ped/bike facilities in Palo Alto are quite good and the city should be given credit for constantly working to improve them. However, Caltrain (and future HSR), Alma, and ECR create significant barriers in this network within the rail corridor, impeding full use of the bike/ped facilities investment. Impacts on foot-powered commutes that do so much to mitigate increases of trips in Palo Alto MUST be studied. Answer the question: How can we achieve the highest possible safety for these important but vulnerable street and rail crossing users?

Finally, a question... What happened to HSR's commitment to working on Context Sensitive Solutions?

This concludes my comments. Please see and address comments below from PTAC in their 2009 letter to HSR.

Thank you.

Penny Ellson  
513 El Capitan Place, Palo Alto, CA 94306

Palo Alto Council of PTAs

25 Churchill Ave

Palo Alto CA, 94306

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Submission B009 (Penny Ellson, Palo Alto Council of PTAs (PTAC), June 13, 2016) - Continued

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650-326-0702

April 2, 2009

TO: Dan Leavitt, Deputy Director California High Speed  
Rail  
Authority

FROM: Palo Alto Council of PTAs

SUBJECT: Scoping Comments on the California High Speed Rail  
Authority's San Francisco to San Jose High Speed Train (HST)  
Environmental Impact Report/Environmental Impact Statement  
(EIR/EIS)

Introduction: City of Palo Alto Safe Routes to School Policy Context

Palo Alto Unified School District (PAUSD) campuses were designed as neighborhood schools and so have limited facilities to accommodate automobiles. Also, free school busing is not provided in Palo Alto. Therefore, it is absolutely essential to maintain safe pedestrian/bicycle connections to every campus in the school district because school sites and most surrounding public streets cannot support a significant increase in auto commuter volumes.

In 2006, 44% of surveyed PAUSD elementary school children reported that they walked or biked to school. An additional 10% ride a bus or carpool. Similar surveys have not been done at secondary schools, but recent bike counts at secondary schools for October 2008 are:

- \*Gunn High School, 600 bikes, representing 31% of students
- \*Palo Alto High School, 520 bikes, representing 30% of students
- \*Terman Middle School, 210 bikes, representing 32% of students
- \*Jane Lathrop Stanford Middle School, 351 bikes, representing 38% of students
- \*Jordan Middle School, 495 bikes, representing 53% of students

Many more students walk and ride public transit to PAUSD middle schools and high schools. These numbers are substantial when one considers 11,345 students and 1,600 faculty and staff travel to PAUSD schools each day, each of them potentially generating morning and afternoon daily car trips if other transportation modes are not convenient and safe. (Data received 3/20/09 from PAUSD Attendance Dept. and on 3/24/09 from PAUSD Human Resources Dept.)

Safe routes to school are such a high priority in planning for land use and transportation that the Palo Alto Comprehensive Plan specifically organizes residential land use around walkable, bikeable centers, including schools (Goals L-3, L-8 and L-6 and Policy T-28 address this and Policy T-40 states: "Continue to prioritize the safety and

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Submission B009 (Penny Ellson, Palo Alto Council of PTAs (PTAC), June 13, 2016) - Continued

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comfort of school children in street modification projects that affect school routes"). Goal T-3 specifically cites the need to overcome "physical barriers like the Caltrain tracks and freeways" in development of the city's bicycle system.

Policy T-14: Improve pedestrian and bicycle access to and between local destinations, including public facilities, schools, parks, open space, employment districts, shopping centers, and multi-modal transit stations.

Program T-19: Develop, periodically update, and implement a bicycle facilities improvement program and a pedestrian facilities improvement program that identify and prioritize critical pedestrian and bicycle links to parks, schools, retail centers, and civic facilities.

Further, as an outgrowth of these policies and goals, in 2003 the City of Palo Alto designated a School Commute Corridors Network, a subset of Palo Alto's street system for special consideration in infrastructure improvement and travel safety enhancement. (See link to Adopted School Commute Corridors Network Map <http://www.cityofpaloalto.org/civica/filebank/blobdload.asp?BlobID=3921> ) This network "comprises a comprehensive and continuous system of travel routes linking residential neighborhoods to public school sites in Palo Alto." The adoption of the School Commute Corridors Network included a statement of policy by the City of Palo Alto that "principal school commute routes be given priority for public investment purposes and be accorded enhanced review as regards proposals for new commercial driveways and other street changes."

PAUSD school sites are heavily used, not only for educational purposes, but also as community and recreation centers during afternoons, evenings and weekend hours.

This background is given to establish that by necessity a very high policy priority is placed on providing safe school commute routes for PAUSD students using alternative modes (especially bicycling and walking). This priority is consistent with State and Federal Safe Routes to School priorities.

#### Potential Impacts of HST on Palo Alto Safe Routes to School

The Palo Alto Council of PTAs Traffic Safety Committee respectfully requests that the following issues and subjects be studied in the project level EIR/EIS for the California High Speed Train Project from San Francisco to San Jose.

We concur with City of Palo Alto's (CPA) requests that the EIR/EIS:

- 1). Provide a complete analysis of all linear rail corridor elevation options including at-grade, elevated, or depressed including open trench and tunneling. All options, particularly the tunneling option, should be evaluated to the same level of detail as the elevated track

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Submission B009 (Penny Ellson, Palo Alto Council of PTAs (PTAC), June 13, 2016) - Continued

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proposal to provide adequate information to the public of the environmental, economic, visual, and operational impacts or benefits of each alternative."

2). Evaluate an alternative that would end HST at San Jose and rely on upgraded electrified and grade-separated Caltrain connections to/from San Francisco, including facilitating improved Caltrain access and speeds and including possible reduction in the number of tracks required in the Caltrain corridor.

3). Evaluate alternatives that would eliminate or substantially minimize the need to acquire additional right-of-way. The railroad right-of-way abuts single family residences, Palo Alto High School, a shopping center, businesses and city parks, which form the fabric of the community. Any and all alternatives that would not involve acquisition of right-of-way should be fully evaluated in the EIR/EIS.

4). Evaluate alternatives that would reduce the number of required tracks in the right-of-way to less than four tracks. The evaluation should also include how many shoofly tracks would need to be built during construction and their impacts on right-of-way requirements for the project.

5). Include an alternative that does not retain freight service on the Caltrain right-of-way between San Jose and San Francisco and the requisite freight service design requirements to accommodate diesel-powered freight trains that could preclude other HST alternatives that would be most appropriate and environmentally sensitive for the Peninsula.

The committee requests that the EIR/EIS study the potential effects of various linear rail corridor elevation options on school routes and PAUSD facilities, including possible displacement of the bike path that runs through the Caltrain ROW on the east border of the Palo Alto High School campus parallel to campus classroom buildings and connects to the Town & Country ROW.

We also request that the study give special attention to provision of safe, grade-separated pedestrian/bicycle crossings at all of the intersections identified in the City of Palo Alto School Commute Corridors Network, including:

- \*Homer
- \*Embarcadero
- \*Churchill
- \*California
- \*East Meadow
- \*Charleston

These crossings are designated school commute route intersections with the proposed future HST tracks, providing east/west bicycle/pedestrian access to PAUSD school sites and other destinations throughout the day.

We expect that grade separated crossings will be provided at all of

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Submission B009 (Penny Ellson, Palo Alto Council of PTAs (PTAC), June 13, 2016) - Continued

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these intersections, that these intersections will accommodate bicyclists and pedestrians according to the best practices and will conform to all appropriate state and local guidelines. Any change to these intersections should be carefully studied, giving particular attention to the effects that such change or traffic diversion might have on the safety, convenience, and comfort of designated school commute routes for PAUSD students.

Long-term costs of transportation mode shift related to any changes to the school commute corridors network should also be studied.

#### Construction Impacts

We request that the EIR/EIS study the impacts of any changes to designated school commute routes that may occur during construction. Particularly, it is important to know what effect road closures, planned detours or other diversion of pedestrian, bicycle and auto traffic may have on school commute routes. Transportation mode shift caused by such changes during construction may need to be mitigated to the extent that they may generate auto traffic in excess of what PAUSD campus facilities (driveways and parking lots) and surrounding public streets can accommodate. Provision of temporary school busing might be considered as a mitigation.

We thank you for giving our comments your thoughtful attention.

Sincerely,

Dan Dykwel, President, Palo Alto Council of PTAs Executive Board

Penny Ellson, Chair and Elementary Schools Representative

Lynn Drake, Middle Schools Representative

Richard Swent, High Schools Representative

Traffic Safety Committee, Palo Alto Council of PTAs

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**Submission B010 (Cris Hart, San Francisco Trains, Inc., June 10, 2016)**

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**Response Requested :**

**Affiliation Type :** Businesses and Organizations

**Interest As :** Local Elected

**Submission Method :** Project Email

**First Name :** Cris

**Last Name :** Hart

**Business/Organization :** San Francisco Trains, Inc.

**Email :** cris.hart@comcast.net

**Stakeholder**

**Comments/Issues :**

June 10, 2016

To: California High-Speed Rail Authority, via email:

Northern CA Regional Office northern.california@hsr.ca.gov

100 Paseo de San Antonio, Suite 206  
san.francisco\_san.jose@hsr.ca.gov

San Jose , CA 95113

San Francisco San Jose project section; NOP Comments

To the Authority,

We are requesting your consideration to direct a portion of the necessary mitigation related to the SF-SF project section toward the historic Brisbane Bayshore Railroad Roundhouse Museum.

Construction of the CA HSR project is expected to create significant negative impacts along the rail lines connecting San Francisco and San Jose. If HSR were to direct funding in support for the proposed Brisbane Bayshore Railroad Roundhouse Museum (see National Register of Historic Places: Southern Pacific Railroad Bayshore Roundhouse, March 26, 2010 #10000113) that could serve as a mitigation point for those impacts.



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Submission B010 (Cris Hart, San Francisco Trains, Inc., June 10, 2016) -  
Continued

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A related final EIR of the Brisbane Baylands Development is under review by the Brisbane Planning Commission. One of the commission's recommendations is to allow for "rail-related activities" at the roundhouse. We are working to protect local railroad artifacts and restoration of the Bayshore Roundhouse itself as a historical, educational railroad museum. That is a goal we are pursuing with both the property owner (Universal Paragon Corporation) and the City of Brisbane.

It seems a fitting use, negating the impact of modernizing rail transportation by providing for the preservation and interpretation of its past. We hope that the Authority will consider this "community positive" opportunity.

Related to final construction, we view it as both essential to the operation of a museum that connection to mixed use rail (freight/passenger) is maintained on the west side of the rail corridor, providing the means to move rail road equipment in and out. Lastly we wish to call out that any construction causing excess vibration near the currently unstable roundhouse could damage the building.

Thank you for your consideration, we look forward to your response.

Sincerely,

Cris Hart, President

San Francisco Trains, Inc.

200 Valley Dr . #20

Brisbane , CA 94005

415 254 7931

Federal Tax ID 20-5166823 non profit 501c3

re:  
[http://hsr.ca.gov/Programs/Statewide\\_Rail\\_Modernization/Project\\_Sections/sanfran\\_sanjose.html](http://hsr.ca.gov/Programs/Statewide_Rail_Modernization/Project_Sections/sanfran_sanjose.html)

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Submission B010 (Cris Hart, San Francisco Trains, Inc., June 10, 2016) -  
Continued

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Submission B011 (Cary Greene, San Jose Airport, May 23, 2016)

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May 23, 2016

Mark McLoughlin  
Director of Environmental Services  
California High-Speed Rail Authority  
770 L Street, Suite 1160  
Sacramento, CA 95814

**Subject: EIR Notice of Preparation and EIS Notice of Intent  
California High-Speed Rail System, San Francisco-to-San Jose Project Section**

Dear Mr. McLoughlin:

The City of San Jose Airport Department, which operates the Norman Y. Mineta San Jose International Airport (SJC), offers the following focused comments on the scope of the CEQA and NEPA analysis and documentation for the subject project.

Due to the proximity of SJC to the southernmost segment of the project alignment in the cities of Santa Clara and San Jose, any elevated structural components of the project (e.g., aerial trackage, grade separations, poles, catenary lines, and signal towers) may have airspace regulatory or policy implications that would need to be addressed. Where such elevated structures are proposed, the EIR/EIS analysis of hazard or land use compatibility impacts should reference and assess potential compliance with the notification and review process of Federal Aviation Regulations/Part 77 and the City of San Jose's interest in protecting airline emergency procedures for one-engine inoperative (OEI) takeoff events. SJC staff can assist the project team in that analysis upon request.

Project staff and consultants are welcome to contact me at [cgreene@sjc.org](mailto:cgreene@sjc.org) or 408-392-3623 for any questions or clarification regarding the above comments. We look forward to progress on the project and the opportunity to review the Draft EIR/EIS upon issuance.

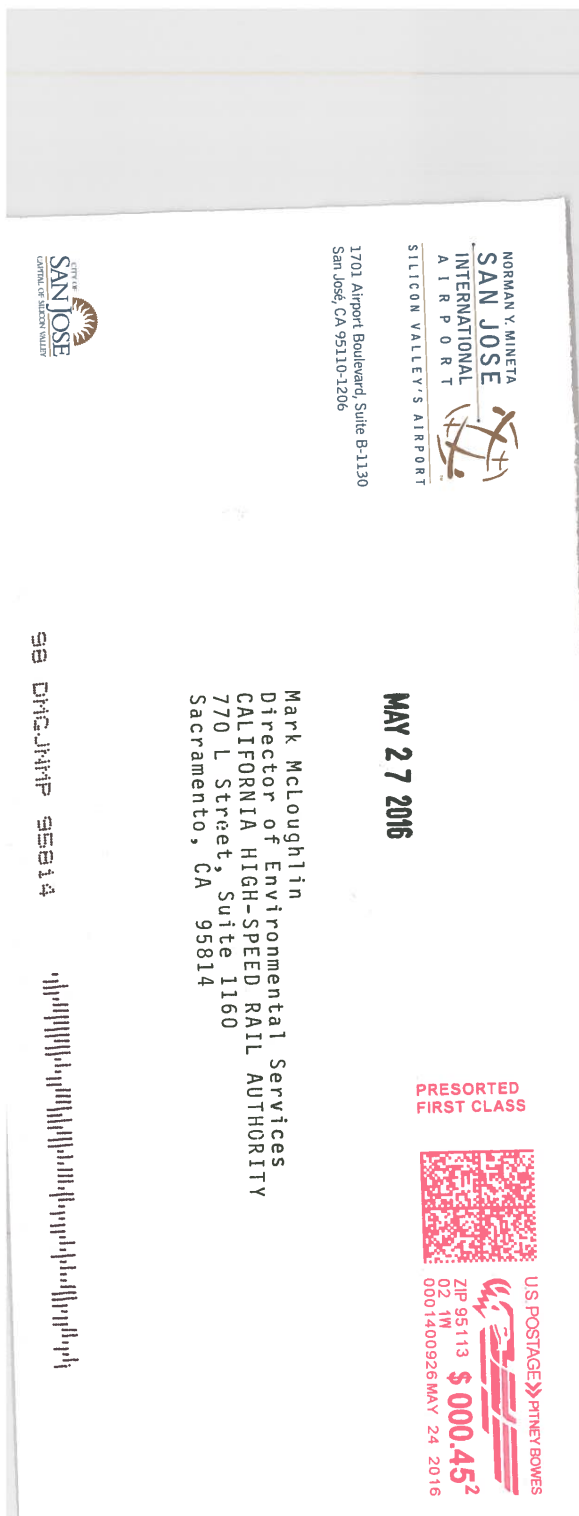
Sincerely,

Cary Greene  
Airport Planner  
San Jose Airport Department

1701 Airport Boulevard, Suite B-1130 • San José, CA 95110-1206 • Tel: 408.392.3600 • Fax: 408.441.4591 • [www.flysanjose.com](http://www.flysanjose.com)



Submission B011 (Cary Greene, San Jose Airport, May 23, 2016) - Continued



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## Submission B012 (Bill Rankin, Save Our Trails: Connecting Santa Clara County Communities, June 10, 2016)

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**Response Requested :**

**Affiliation Type :** Businesses and Organizations

**Interest As :** Businesses And Organizations

**Submission Method :** Project Email

**First Name :** Bill

**Last Name :** Rankin

**Business/Organization :** Save Our Trails: Connecting Santa Clara County Communities

**Email :** bill@networks.com

**Stakeholder**

**Comments/Issues :** Mark A McLaughlin, Director of Environmental Services ATTN: San Francisco to San José California High Speed Rail Authority 100 Paseo De San Antonio, Suite 206 San José CA 95113 via email, sent June 9, 2016  
RE: San Francisco - San José Project Section EIR Scoping Questions  
Dear Mr. McLaughlin,  
Save Our Trails: Connecting Santa Clara County Communities is a California Not-for-Profit Corporation whose mission is "To promote trails in Santa Clara County for the benefit and enjoyment of all." On behalf of Save Our Trails, I am writing to express my full support for the flexible transportation options that high-speed rail (HSR) will be offering in California and look forward to seeing it built. However, I do have questions about the San Francisco to San José segment and its impact on our community and trails in our area.  
Several groups like Save Our Trails have been working consistently on expanding trails not only for recreation but also for daily commuting by local residents. Local trails naturally complement HSR by enabling commuters to easily travel back and forth to train stations.  
QUESTION 1: The Highway 87 bike path enables direct access to the Tamien Station in San José. Plans are underway for the City of San José to acquire land to continue Three Creeks Trail from Hervey Lane to the Highway 87 bike path. What are the possible solutions for connecting Three Creeks Trail past the train tracks as that trail continues eastward to Almaden Expressway? The area in question is shown below:

QUESTION 2: CalTrain is planning on replacing the old (c. 1936) bridge over Los Gatos Creek near San Carlos Street. HSR will utilize this bridge along with CalTrain and freight trains. The current design of the new railroad bridge and trail segment will likely cause flooding of the trail during high-water events. This will cause mud and silt to build up along the trail, ceasing use of the trail while it is cleaned up, which could take months for each high-water event. Can the bridge design accommodate and therefore greatly minimize the impact to the trail during high-water events? Can the design of the bridge be coordinated with rebuilding the San Carlos Street Bridge?

QUESTION 3: What are the impacts of any HSR- or CalTrain-related construction to the riparian corridor along the Los Gatos Creek from Diridon Station to Lincoln Avenue?


Sincerely, Bill Rankin President, Save Our Trails; Web: [www.saveourtrails-scc.org](http://www.saveourtrails-scc.org)

**Submission B012 (Bill Rankin, Save Our Trails: Connecting Santa Clara  
County Communities, June 10, 2016) - Continued**

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Submission B013 (Esther Stearns, SF Transit Riders, May 23, 2016)

 <b>CALIFORNIA High-Speed Rail Authority</b>		<b>SAN FRANCISCO TO SAN JOSE SCOPING MEETING PUBLIC COMMENT SPEAKER CARD</b>	
NAME: <u>ESTHER STEARNS</u>		DATE: <u>5/23/2016</u>	
REPRESENTING: <u>SF Transit Riders</u>		EMAIL:	
ADDRESS: <u>420 Mission Bay Blvd #11601</u>		PHONE: <u>858 967 4720</u>	
CITY: <u>SF</u>	STATE: <u>CA</u>	ZIP: <u>94158</u>	
DO YOU HAVE A PREPARED STATEMENT THAT YOU WANT TO PROVIDE THE GROUP? <input checked="" type="radio"/> YES <input type="radio"/> NO			
COMMENTS:			

IDENTIFY YOURSELF CLEARLY WHEN ADDRESSING THE GROUP. YOU WILL BE ALLOTTED TWO MINUTES TO PROVIDE PUBLIC COMMENT.

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Submission B013 (Esther Stearns, SF Transit Riders, May 23, 2016)

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1 potential litigation measures that will all be analyzed  
2 as part of the -- of the environmental documents; so we  
3 very much are interested in your input here.

4 So with that in mind, we are going to get  
5 started. I think we will do three, and then we will move  
6 into a broader -- if folks have questions based upon the  
7 presentations that we have made, we can address those  
8 next.

9 So we are going to start with Esther Stearns,  
10 and then Roger (inaudible). So if you could please come  
11 up to the front, and (inaudible) share your name.

12 AUDIENCE MEMBER: Microphone is definitely  
13 placed for someone taller than I am. Thank you.

14 I'm Esther Stearns from the San Francisco  
15 transit riders, and we would like to specifically address  
16 the downtown extension, which we think is essential to  
17 the success of (inaudible) ridership. We come  
18 (inaudible) the EIR does not have that in scope that  
19 that's going to be restated from the joint hours that are  
20 work on the downtown extension, but we would urge you to  
21 aggressively address the downtown extension in the EIR.

22 We would like to see the ridership associated  
23 with DTX in the EIR, and we would, particularly, like to  
24 see its impact on access to the station -- obviously,  
25 people are having much easier access to the downtown

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Submission B013 (Esther Stearns, SF Transit Riders, May 23, 2016) -  
Continued

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1 station farther out -- and we would also like to see  
2 study of the grade separation at and we would like to see  
3 EIR address the alternative plans for the DTX -- the city  
4 impact, because we'd rather not see as much resource put  
5 into the short-term modifications to 4th and King as to  
6 all these agencies working together to get the DTX funded  
7 and get DTX built so that is as useful and as heavily  
8 used as possible.

9 Those are our comments. Thank you.

10 MR. PONCELET: Okay. Thank you very much,  
11 Esther. And it's possible to sort of loosen the  
12 midsection.

13 Okay. Next up, Roger (inaudible).

14 AUDIENCE MEMBER: Good evening. I've been a  
15 long-time supporter and advocate for high-speed rail and  
16 improved rail development. I believe that it's very  
17 important for the economic development down the sea,  
18 throughout the whole state. I believe there's regions of  
19 economic development and regions where people can't  
20 afford to live where other areas are more affordable; and  
21 so it's a great way to bring areas of the state together.

22 Now, as far as the Peninsula section, I do  
23 believe that edification will be much quieter, much  
24 safer, much smoother system and be less vibration than  
25 from diesel engines now in use there.

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## Submission B014 (Edward Saum, Shasta / Hanchett Park Neighborhood Association, June 19, 2016)

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June 19, 2016

Mark A. McLoughlin  
Attn: San Francisco to San Jose Project Section  
California High Speed Rail Authority  
100 Paseo de San Antonio, Suite 206  
San Jose, CA 95113  
[san francisco\\_san jose@hsr.ca.gov](mailto:san francisco_san jose@hsr.ca.gov)  
[sent via email]

**RE: California High-Speed Rail Authority – San Francisco to San Jose Scoping**

Dear Mark,

This letter is written on behalf of the Shasta / Hanchett Park Neighborhood Association (S/HPNA). The group was founded in 1984 to protect the interests of our historic and beloved community. Over the years, we have worked with the City of San Jose, developers, builders, and our neighbors to create a balanced neighborhood. Because of our involvement, we boast one of the most successful communities in the city of San Jose. The Shasta / Hanchett Park Neighborhood Association represents 1,400 households in neighborhoods immediately West of San Jose Diridon Station, and along the West side of the current Caltrain corridor from Park Avenue in the South, to West Taylor Street in the North.

Since the first iteration of the San Jose Visual Design Guidelines for High Speed Rail, S/HPNA Board members and residents have been intimately involved in the planning stages of High Speed Rail's infrastructure, operational parameters, and project mitigations. Therefore, it is with not insubstantial concern that we are writing to you regarding the scoping of the environmental document for the San Francisco to San Jose Project Section.

Our concerns include the following:

- **Lack of Proper Community Outreach** – Nearly every Authority document has sought to emphasize the perceived importance of mutual collaboration and substantial community outreach that must be integral parts of the process. San Jose Diridon station is one of only three planned Bay Area stations for the San Francisco to San Jose Project Section, and is the only one that straddles (2) distinct – and potentially contradictory – EIR documents. However, the Authority's public input and public scoping process for the Project Section made no attempt to include a public meeting in San Jose. This Project Section, especially the approach to and departure from Diridon Station, will have a disproportionate impact upon the surrounding neighborhoods, regardless of whether an aerial or at-grade alignment is selected. The closest meeting was in Mountain View at 6:00 pm on a Wednesday, more than twelve-and-a-half miles and three municipalities away. This shows little, if any, interest in mutual collaboration and community outreach within San Jose. The City of San Jose will be home to no less than twenty-two miles of High-Speed Rail's route between San Francisco and Merced; no municipality within the entire length of the Northern California segment will be more substantially impacted than San Jose. Yet the Authority did not see fit to set a scoping meeting within the City limits, not to mention one within a reasonable distance of San Jose Diridon station itself.

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## Submission B014 (Edward Saum, Shasta / Hanchett Park Neighborhood Association, June 19, 2016) - Continued

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- **Holistic Review of Diridon Station** – Previously, the San Jose to Merced EIR documents made clear that the dividing line between EIR's was to be the end of the platform at Diridon station. Until recently, this was reiterated by Authority staff, including Ben Tripousis, the Authority's Northern California Regional Director. The nature of high speed rail, and the approach and departure angle limitations that come with it, made separate review of the two alignments arbitrary and physically impossible. An aerial alignment North of Diridon would preclude an at-grade station, and, in all likelihood, any form of at-grade approach South of Diridon. Yet the divided EIRs would allow each segment to be analyzed independent of the ramifications for the other, and neither would be required to take into consideration the findings of the other. This created the very real possibility that the two EIRs would reach distinctly different, and mutually exclusive, recommendations. In recent days, Authority staff have emphasized that the current EIR will instead include the alignment South of Diridon station as well, in an attempt to address the contradictions inherent within the previous EIR process. While everyone involved should be happy that the Authority has taken a more logical, practical, and feasible approach to studying the alignments around Diridon station, it does not speak well of the Authority's foresight when it comes to creating a cohesive system from the individual EIR documents. Therefore, we believe that the approach to Diridon must be fully incorporated into the current EIR, with required disclosure and mitigation.
- **Diridon Station Improvements** – As early as the Draft Cooperative Agreement between the City of San Jose and the California High-Speed Rail Authority, specific emphasis has been placed upon the need for the HSR facilities in and around San Jose Diridon Station to be of the highest quality, and consistent with the Visual Design Guidelines as set forth in the Agreement. The scoping process needs to take into careful consideration the impact of the Draft Business Plan's substantially reduced funding for visual and functional improvements at Diridon Station. Parking, pedestrian and bicycle access, first and last mile transportation solutions, enhanced public facilities, and their respective impacts upon the neighborhood around Diridon station need to be addressed in specific, detailed terms.
- **Noise Mitigation** – As one of the largest cities in California, the City of San Jose is still unique in its ability to support a number of wonderfully 'livable' neighborhoods. We ask that the EIR address the noise mitigation measures that will be required for any and all alignment configurations, as well as the proposed station and ancillary facility locations.
- **Caltrain Service Impacts** – One of the Authority's selling points regarding the blended system is the modernization and electrification of the Caltrain corridor. In order for the current two-track corridor to accommodate Caltrain's continuously-climbing ridership numbers, in addition to (4) or more HSR trains per hour at peak travel times, multiple improvements will be required along the Caltrain corridor. These include, but are not limited to, the following:
  - Additional passing tracks
  - Storage yards for Caltrain and HSR train sets during non-peak hours. The Authority has mentioned previously storing trainsets south of Alma during these periods. Doing so South of Diridon station, or, for that matter, anywhere within the City of San Jose, should be included in the scope of the Project Section EIR.
  - Grade separations
  - At-grade crossing enhancements
  - Level boarding
  - Extended platforms.

Each of these line items requires careful, deliberate consideration, and should be considered separately and completely within the scope of the EIR. Without a carefully-considered analysis of these items, Caltrain will be unable to take full advantage of the increases in speed, efficiency, and capacity that are at the heart of Caltrain's electrification and the use of

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## Submission B014 (Edward Saum, Shasta / Hanchett Park Neighborhood Association, June 19, 2016) - Continued

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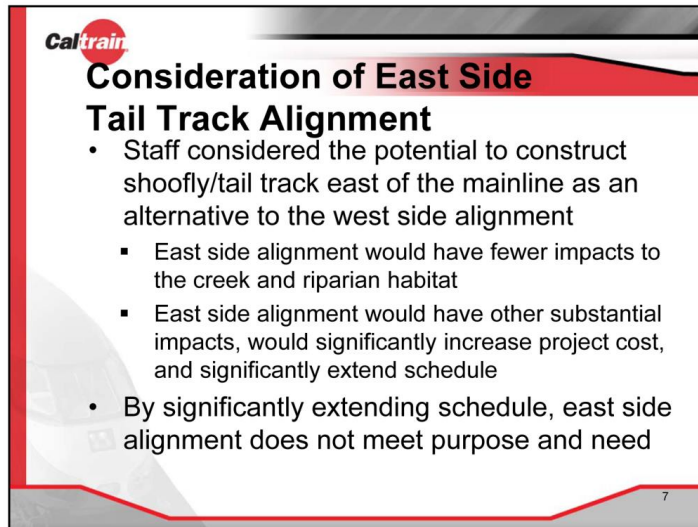
EMUs. Therefore, the very aspect of the blended system that is being sold as its biggest advantage would, at the same time, hamstring the ability of the blended system to address Caltrain's ridership needs.

- **Impacts of At-Grade Alignment South of Diridon Station** – The proposed at-grade alternative through Downtown and Willow Glen will have significant impacts upon the neighborhoods, traffic arteries, and community facilities adjacent to the proposed alignment. The taking of some or all of Fuller Park, in a City where many neighborhoods already suffer from a deficiency of park lands, is directly at-odds with the stated desire to have High-Speed Rail be an asset to the cities that it serves, rather than as a physical and economic barrier. The area immediately adjacent to Auzerais Avenue, just north of I-280, is experiencing a massive expansion in the number of housing units under construction. The traffic congestion already caused by the current at-grade crossing will increase by an order of magnitude if High-Speed Rail comes through there as part of the at-grade alignment. The physical, economic, traffic, and social impacts of the at-grade alignment must be carefully analyzed. Perhaps most importantly, however, there must be an understanding that certain potential impacts are so substantial that they cannot be mitigated, and should therefore be removed from consideration entirely. Removing the one and only park in an isolated community such as the Gardner Neighborhood, which is woefully underserved already, cannot be considered a mitigatable offense.
- **Los Gatos Creek Bridge Replacement** – The Authority touts its partnership with Caltrain, as part of the blended system, as one of the strengths of the Project Section. One aspect in need of substantial environmental review and consideration is Caltrain's proposed replacement of the Los Gatos Creek Bridge. Referred to by Caltrain as the South Terminal Phase III Project, the existing bridge is in need of repair. Caltrain cites the need for a tail track as justification for widening the Bridge from two tracks to three; we, along with other interested parties, believe that this is only part of the story. One track of the two that cross the current Bridge is owned by UPRR; Ben Tripousis has stated repeatedly in multiple public forums that Union Pacific is averse to letting any other operators make modifications to, or even substantial use of, their tracks. This led previously to the San Jose to Merced Project Section discussion regarding an elevated viaduct along Monterey Highway, due to the inability of the Authority and UPRR to come to an agreement regarding a shared system.

In reality, the widening of the Los Gatos Creek Bridge will be required to accommodate the at-grade alignment; without the widened Bridge, the alignment becomes increasingly problematic. While nobody can deny that the existing bridge is in need of repair, and that it should be brought up to existing State and Federal safety and seismic standards, the proposed Bridge brings with it substantial environmental impacts. The proposed Bridge will include an additional 'tail track' west of the main line. Since the at-grade alignment would use the widened Bridge, the expanded scope of the current Project Section EIR must take into consideration the impacts of this finding. In a February 7, 2014, Powerpoint presentation to the Joint Powers Board of Directors, Caltrain staff presented the pros and cons of an eastern and western alignment for the new 'tail track' / HSR track.



## Submission B014 (Edward Saum, Shasta / Hanchett Park Neighborhood Association, June 19, 2016) - Continued



- *"East side alignment would have fewer impacts to the creek and riparian habitat" -* The Los Gatos Creek itself will be substantially impacted by the current west side alignment. The proposed extension of the Los Gatos Creek Trail, an integral part of the growing series of trails in and around San Jose that have become a cornerstone of the City Council's plans for a greener, healthier City, will be physically impossible certain times of the year after the new Bridge is constructed.
- *"East side alignment would have other substantial impacts, which would increase project cost, and significantly extend schedule" –* Mitigating impacts is at the very heart of the EIR process. Therefore, increased project cost and / or schedule changes cannot be used as justification for unmitigated environmental damage to a treasured San Jose creek.

As part of the EIR scoping, the Authority should therefore work with Caltrain to provide further analysis of all of the following impacts of the Bridge, and, by extension, of the Project Section:

- Loss of riparian habitat
- Damage to / loss of creek species
- Impacts to other biological and water resources
- Construction noise and vibration damage to the existing portions of the riparian corridor and trail
- Best Management Practices for erosion control, dust control, stormwater runoff, and handling of hazardous materials
- Inability of Los Gatos Creek Trail to be extended / completed, per previously-approved City of San Jose intent. The proposed Bridge has been designed in such a way that the trail will be under high water for at least (3) months each year, and covered in sand and mud during the non-high-water portions of that time.

We intend to continue working closely with Caltrain regarding the minimization of the potential impacts of the Bridge replacement; however, since HSR will be utilizing the Bridge, and, in all honesty, the Bridge is in no small part being built specifically \*for\* High Speed Rail, we feel

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## Submission B014 (Edward Saum, Shasta / Hanchett Park Neighborhood Association, June 19, 2016) - Continued

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that the impacts of the Bridge and related construction need to be wholly disclosed and mitigated by the Authority as well.

Bringing a transportation service like High-Speed Rail to San Jose is something that can be of great benefit to us all. However, citing that benefit as a reason to approve unassailed a Project Section that might run roughshod over established neighborhoods, exclude the input of those most directly and substantially impacted by the arrival of High Speed Rail, and compromise the functionality of an already-at-capacity rail corridor is, by definition, unacceptable. We respectfully submit, that only by addressing all of the impacts and concerns enumerated herein, can the proposed Project Section hope to live up to the Authority's initial scope and vision for High-Speed Rail

Respectfully submitted,



Edward Saum  
President, Shasta/Hanchett Park Neighborhood Association

cc: HSR: Ben Tripousis  
Caltrain: Jill Gibson, Brent Tietjen, Casey Fromson  
City of San Jose: Mayor and Council  
Friends of Caltrain: Adina Levin  
Community: D6NLG

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## Submission B015 (Laura Tolkoff, SPUR, June 8, 2016)

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Mr. Mark McLouglin  
Director of Environmental Services  
California High-Speed Rail Authority  
100 Paseo de San Antonio  
San Jose, CA 95113

Ms. Stephanie Perez  
Environmental Protection Specialist  
Office of Program Delivery  
Federal Railroad Administration  
1200 New Jersey Avenue SE (Mail Stop 20)  
Washington, DC 20590

*Submitted electronically*

June 8, 2016

**Re: San Francisco to San Jose Section EIR/EIS-Notice of Preparation**

Dear California High-Speed Rail Authority and Federal Railroad Administration,

This letter is in response to the Notice of Preparation for the EIR/ EIS for the San Francisco-San Jose segment of California High-Speed Rail.

SPUR is a non-profit urban policy think tank with offices in San Francisco, San Jose and Oakland with thousands of individual and business members in the Bay Area. SPUR is an early supporter of High-Speed Rail and is supportive of the Authority's decision to bring the initial operating segment to San Jose with service continuing on to San Francisco. We have authored numerous reports on how the Bay Area can make the most of high-speed rail in Bay Area, and are deeply engaged in efforts to support transportation integration and placemaking at Diridon Station and the Transbay Transit Center.

Below, we suggest some considerations that we think should be addressed in the EIR/ EIS. We are emphasizing Diridon Station, the Diridon Station Area and Central San Jose given that San Jose is High-Speed Rail's gateway to the Bay Area.

We are excited that the operators in San Jose are working together with a shared goal of growing the usefulness and relevance of public transportation to an increasing number of people, with strong attention to placemaking. To that end, the EIR/ EIS is an opportunity for the Authority to:

**SAN FRANCISCO**  
654 Mission Street  
San Francisco, CA 94105  
(415) 781-8726

**SAN JOSE**  
76 South First Street  
San Jose, CA 95113  
(408) 638-0083

**OAKLAND**  
1544 Broadway  
Oakland, CA 94612  
(510) 250-8210

[spur.org](http://spur.org)

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## Submission B015 (Laura Tolkoff, SPUR, June 8, 2016) - Continued

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- **Coordinate ridership projections with other transit operators at Diridon Station in order to evaluate the space requirements for platforms, tracks, right of way, ticketing facilities, station access and other transit and passenger facilities.** We are glad that the Diridon Intermodal Conceptual Study will identify the envelope and requirements of each operator based on ridership projections and travel patterns and hope that ridership projections for all operators will be included in the EIR/ EIS for high-speed rail. While different operators may serve different transportation markets, it is important to share facilities wherever possible rather than building separate infrastructure. Coordinating ridership projections is a good way to ensure that the passenger facilities are adequately sized to the volume of people and trains coming through Diridon Station and makes efficient use of limited space.
- **Coordinate ridership projections with the San Jose Mineta International Airport, which is currently updating their 10-year demand forecast.** High-speed rail can replace some air travel, which can reduce greenhouse gas emissions and free up capacity at congested airports. Previous San Jose Airport capital improvement and master plans have not fully accounted for the impact of high-speed rail on demand for air travel to and from San Jose. The EIR/EIS is the right time to disclose information about demand projections for both air and high-speed rail travel and indicate how these relate to each other.
- **Update and make clear how ridership projections and air travel trip diversions may change with the addition of new stations statewide.** In order for high-speed rail to be competitive with air travel, it will need to be more convenient than flying and offer door-to-door travel times that are competitive with air. The addition of high-speed rail stations south of San Jose, specifically Madera and Kings/Tulare, will lengthen trip times for the vast majority of HSR riders who will come from the state's major urban centers. It is important to consider how sensitive air travel diversion estimates are to the addition of high-speed rail stations, particularly in the context of greenhouse gas emissions, ridership and financial impacts.
- **Consider service scenarios and ridership projections beyond 2029.** A blended system between commuter rail (Caltrain) and high-speed rail can create challenges for integration, such as a need for greater safety distances and scheduling and coordination challenges. Overtake tracks can help overcome some of these challenges and should be considered carefully, particularly because Caltrain could run more frequent service post-electrification. It is important that the alternatives consider future service scenarios and growth plans for each operator so that facilities and infrastructure are sized appropriately. While the Authority has moved away from a four-track system, we encourage the Authority to analyze the potential of overtake tracks along the corridor.
- **Identify parking needs for all transportation operators at Diridon Station and the Mineta San Jose Airport and work to minimize the parking supply in this area.** It is not appropriate for each transportation operator to construct separate parking facilities.

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## Submission B015 (Laura Tolkoff, SPUR, June 8, 2016) - Continued

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The commitment to high-speed rail is a commitment to changing how people travel within cities, regions and the state and to organize California's growth in a more compact and less auto-oriented manner. Providing too much parking undercuts this commitment. Additionally, it replicates today's challenges and travel patterns at a time when we know that mobility options and preferences are rapidly changing. Parking is an inefficient use of scarce station area land and public dollars.

In some ways, airports are similar to high-speed rail stations but in other ways they are different. The most successful high-speed rail stations are located in urban areas and provide intercity connections. If high-speed rail stations are planned like mini-airports, surrounded by parking and access roads, they become areas that repel good development in their vicinity because of wide streets and parking lots. If not properly managed, the provision of parking could overwhelm the station area, destroy the pedestrian environment around the station and reduce opportunities for joint development around the station. It is important that the station access plans focus on walking, biking, transit and drop-off services, which will also have mutual benefits for building densely.

- **Identify opportunities for shared train storage and maintenance facilities as part of the project alternatives.** We think that there is some efficiency that can be gained with a clear understanding of the market that each operator serves and its future service plans. In order to provide expanded and reliable services, many operators anticipate needing additional space to store, maintain and repair train cars. This is particularly true for ACE, which stores layover trains at Diridon, in addition to VTA and BART, which have indicated a desire to store 240 train cars near the Santa Clara station. We encourage the California High-Speed Rail Authority to work with other transit operators to identify train storage and maintenance solutions that would make the best use of limited track space, use land around stations efficiently and minimize impacts to communities and public funds.
- **Identify the impacts of project alternatives on pedestrian street life and other transit services, particularly around Diridon and Central San Jose.** The neighborhoods surrounding Diridon Station are some of the most unique and walkable neighborhoods in San Jose. The success of downtown San Jose and the Diridon Station area will depend, in part, on growing the pedestrian, bike and transit connections between these neighborhoods. We encourage the Authority to identify the impacts of high-speed rail alternatives on the street life and the impacts of new infrastructure on the potential for new development to reinforce or create new urban fabric. In addition, we encourage the Authority to proactively create a station access policy that prioritizes space-efficient and sustainable modes of travel to and from Diridon Station.
- **Use criteria for evaluating alternatives based on long-term impacts and policy goals rather than constructability and cost.** We are sensitive to the need to manage project costs. However, constructability and cost should not be the driving factors in evaluating project alternatives. Evaluation criteria should prioritize maximizing the full

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Submission B015 (Laura Tolkoff, SPUR, June 8, 2016) - Continued

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range of mobility options, connectivity and ease of transfers, economic development, non-auto access and greenhouse gas impacts. Of particular concern is whether and how costs may be deferred to other operators and stakeholders. If high-speed rail stations are not easily accessible by foot and by bike other costs are incurred to bring people to and from stations.

Thank you for the opportunity to provide input on the environmental analysis. Please feel free to contact us with any questions you may have at 408-638-0167.

Sincerely,



Laura Tolkoff  
San Jose Policy Director

cc:

Melissa Dumond  
Leyla Hedayat  
Nanci Klein  
Jim Ortbal  
John Ristow  
Ben Tripousis  
Kim Walesh  
Ru Weerakoon



## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016)



BUILDING AMERICA®

June 7, 2016

Mark A. McLoughlin  
Director of Environmental Services  
Attention: San Francisco to San Jose Section EIR/EIS  
California High-Speed Rail Authority  
100 Paseo de San Antonio  
San Jose, CA 95113

**Re: Notice of Preparation of an Environmental Impact Report/Environmental Impact Statement for the San Francisco to San Jose Section of the California High Speed Train Project**

Dear Mr. McLoughlin:

Union Pacific Railroad Company (UP) submits the following comments to the California High Speed Rail Authority (CHSRA) and Federal Railroad Administration (FRA) in response to the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) and Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the San Francisco to San Jose Section of the California High Speed Train (HST) Project.

UP owns and operates a common carrier railroad network in the western half of the United States, including the State of California. Specifically, UP owns and operates rail main lines connecting the San Francisco Bay Area to Sacramento and points east and north, and to Los Angeles and points east and southeast. UP is the largest rail carrier in California in terms of both mileage and train operations. UP's network in California is vital to the economic health of the state and the nation as a whole, and its rail service to California customers, including those in the Bay Area, is crucial to the current and future success and growth of those customers.

### Comment 1: UP's Interest in the San Francisco-to-San Jose HST Project Section

UP's Bay Area network includes the Peninsula Main Line and Santa Clara/Lick Line, on which UP operates pursuant to trackage rights retained by its predecessor Southern Pacific Railroad, when Southern Pacific sold the track to the Peninsula Corridor Joint Powers Board (JPB), operator of Caltrain. See "Trackage Rights Agreement – Peninsula Main Line and Santa Clara/Lick Line" dated as of December 20, 1991 (Trackage Rights Agreement). In addition, within the right-of-way owned by JPB, UP owns a segment of the track itself, as defined in the Trackage Rights Agreement. As described in the NOP and NOI, the San Francisco to San Jose HST section "would follow the Caltrain right-of-way" from Diridon Station in San Jose to the Transbay Transit Center, with the 4th and King Station as an interim terminus. Although CHSRA originally envisioned the HST running on its own separate tracks, it now proposes a "blended system" on track "that will be shared by Caltrain, high-speed rail service, and current rail tenants." NOP, p. 1-2.<sup>1</sup> Accordingly, UP has an especially strong interest in this section of the HST project and its EIR/EIS.

<sup>1</sup> As discussed in more detail below, UP is not properly characterized as a "tenant"; rather, UP conducts freight rail operations under its retained trackage rights.

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## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

Mark A. McLoughlin  
Director of Environmental Services  
California High-Speed Rail Authority  
June 7, 2016  
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### Comment 2: Comments for purposes of CEQA and NEPA

Please include these comments in the administrative records for purposes of both the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). Footnote 1 of the CEQA NOP states that CHSRA has prepared the NOP "voluntarily" and does not waive any rights related to Surface Transportation Board jurisdiction or the preemptive effect of the Interstate Commerce Commission Termination Act. In the event that the California Supreme Court's decision in *Friends of Eel River v. North Coast Railroad Authority* and/or the Ninth Circuit's decision in *Kings County v. Surface Transportation Board*, both cases currently pending, holds that CEQA does not apply to the HST Project and CHSRA elects to terminate the CEQA review process, these comments will continue to serve as UP's comments pursuant to NEPA.

### Comment 3: Prior Comments Incorporated by Reference

These comments incorporate by reference and make part of the record the attached prior comments that UP has submitted to CHSRA related to the HST project and, in particular, its Bay Area portion. In addition, we attach and incorporate by reference comments that UP has submitted to JPB on the Caltrain electrification project, which included analysis of HST "blended service" on the track where Caltrain and UP operate in the discussion of cumulative impacts.

- May 13, 2008 letter to CHSRA re: HST route
- July 7, 2008 comments to CHSRA re: Bay Area to Central Valley Program EIR/EIS
- November 14, 2008 comments to JPB re: HSR impacts on UP freight service in Caltrain corridor
- February 23 and Mar. 13, 2009 scoping comments to CHSRA for EIR/EIS on SF to San Jose segment
- April 8, 2009 scoping comments to CHSRA for EIR/EIS on San Jose to Merced segment
- October 27, 2009 letter to CHSRA re: San Jose to Gilroy HST segment
- April 23, 2010 comments to CHSRA re: Revised Bay Area to Central Valley Program EIR/EIS
- September 1, 2010 comments to CHSRA re: Revised Final Program EIR for the Bay Area to Central Valley HST
- April 3, 2014 comments to CHSRA on Draft 2014 Business Plan
- April 29, 2014 comments to JPB on Draft EIR for the Caltrain electrification project (with attached prior comments dated May 25, 2004 and March 18, 2013)
- January 7, 2015 comments to JPB on Final EIR for the Caltrain electrification project
- April 18, 2016 comments to CHSRA on Draft 2016 Business Plan

As stated in our previous comments on the EIR/EISs for other sections of the HST as well as in the prior comments listed above, UP will not allow any part of the HST system to be located on UP-owned property; where UP operates on rights of way owned by others, HST facilities and operations must not interfere with UP's rights and operations; and where the HST and UP alignments run in close proximity, a safe and operationally functional distance must be maintained between them.

### Comment 4: Impacts on the Freight Rail System as Transportation Impacts

The NOP for the San Francisco-San Jose section states that the EIR/EIS will analyze potential social, environmental and economic impacts of construction and operation of the blended system "shared by Caltrain and HSR service, and other current passenger and freight rail tenants along the Caltrain corridor

## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

Mark A. McLoughlin  
Director of Environmental Services  
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between San Francisco and San Jose." The NOP and NOI both state that impacts to be addressed include those on "transportation, including impacts on existing passenger and freight rail tenants; safety and security; ... land acquisition, displacement, and relocations...."

UP appreciates this acknowledgment that the EIR/EIS will evaluate impacts on freight rail and related issues among other environmental impacts. As we emphasized in our prior comments, freight rail is not just a business, it is a component of the state and national transportation system. The Final EIR/EIS for the Merced to Fresno HST Section (2012), pp. 3.2-36, 73 and 110, treated impacts to freight rail as direct environmental impacts, together with impacts on other transportation modes. While the Merced-Fresno EIR/EIS concluded that "the HST alternatives do not encroach on the freight rail corridors" and therefore "would not have a direct effect on current and anticipated freight operations" (id., p. 3.2-36), obviously that is not the case for the San Francisco-San Jose blended service which would not merely encroach on, but would be located entirely on, existing tracks now utilized by Caltrain and UP.

### Comment 5: CHSRA-UP Memorandum of Understanding and ECM Agreements

On July 11, 2012, CHSRA and UP entered into a Memorandum of Understanding and Implementing Agreement Related to High-Speed Rail Development in California (MOU), which established terms and a coordination process for development of the HST system affecting both those rights of way that UP owns and those on which it operates. In addition, on December 23, 2014, UP and CHSRA entered into an Engineering, Construction and Maintenance (ECM) Agreement pursuant to the MOU for the first construction segment from Merced to Bakersfield, and the parties anticipate negotiating additional ECM Agreements for future segments. The MOU, ECM and other agreements between UP and CHSRA will govern how the HST system is developed in relation to the UP freight network and operations. In their responses to UP's comments on the EIR/EIS for the Fresno-Bakersfield HST Section, CHSRA and FRA extensively relied on the UP review and approval process under the MOU and Merced-Bakersfield ECM Agreement to address the transportation, safety, electromagnetic interference and other impacts raised in UP's comments. The San Francisco-San Jose Project EIR/EIS also should acknowledge the role of the MOU, the ECM Agreement, and UP's review and approval process thereunder, and should expressly incorporate them into mitigation measures for the appropriate impacts.

### Comment 6: Incorporating Mitigation for Freight Impacts in Accordance with Surface Transportation Board Direction

In its decision on construction of the Fresno-Bakersfield HST section, the Surface Transportation Board (STB) independently reviewed the EIR/EIS for that section and required an additional mitigation commitment to address impacts on freight operations. The STB directed that mitigation measures in the EIR/EIS requiring a Construction Management Plan, which initially excluded construction impacts on freight rail from the categories of impacts addressed, should be modified as follows: "Prior to initiating project-related construction of the Line, the California High-Speed Rail Authority shall ensure that the Construction Management Plan required by FRA's Mitigation Measures SO-AM#1 and LU-AM#2 construction is expanded to address potential project-related construction impacts to freight railroad operations." Surface Transportation Board Decision, Docket No. FD 35724, August 11, 2014, p. 55. The San Francisco to San Jose Project EIR/EISs should incorporate the same requirement in its mitigation measures for construction impacts. Where CHSRA and FRA will rely on the MOU and ECM Agreements to ensure mitigation of construction impacts, those agreements should be incorporated expressly into these mitigation measures as well.

## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

Mark A. McLoughlin  
Director of Environmental Services  
California High-Speed Rail Authority  
June 7, 2016  
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### Comment 7: Incorporating Mitigation for Freight Impacts in Accordance with Caltrain Electrification EIR

In its Final EIR for the Peninsula Corridor Electrification Project (Caltrain Electrification EIR), dated December 2014, JPB added two mitigation measures in response to UP's comments. These measures require coordination with UP to address (i) construction impacts, similar to the mitigation directed by the STB but specifically including emergency access during construction, and (ii) impacts from electromagnetic fields/electromagnetic interference (EMF/EMI):

Mitigation Measure TRA-2 has been modified as requested by the commenter to require coordination with Union Pacific, require that Union Pacific's emergency access be maintained throughout construction, and specify performance standards for the railway disruption control plan in a similar level of detail as Mitigation Measure TRA-1, to provide assurance of less than significant impacts.<sup>2</sup>

Mitigation Measure EMF-2 has been revised as Union Pacific requested in their comment letter to include the following additional requirements to ensure that significant EMI effects on the freight signal system are avoided:

- acknowledge that Union Pacific as well as other entities and operators, operates sensitive electric equipment in or adjacent to the right-of-way;
- require coordination with Union Pacific in addition to the listed entities and operators;
- require testing and evaluation of EMI impacts during Project operation; and
- require shutdown and modification of the Project electric propulsion system in order to eliminate the impacts, if at any time its operation causes EMF/EMI impacts interfering with signaling, automatic grade crossing warning devices, train control or other equipment necessary for safe and reliable operation of freight and passenger trains in the corridor.<sup>3</sup>

The San Francisco to San Jose Project EIR/EISs should incorporate the same requirements in its mitigation measures for construction and EMF/EMI impacts.

### Comment 8: UP's Trackage Rights

While we are pleased to see the NOP and NOI acknowledge that the EIR/EIS will evaluate impacts on freight rail, please note that UP is not a "freight rail tenant" and should not be so characterized in the EIR/EIS. UP does not operate under a lease, license or other tenancy agreement. Rather, UP owns and exercises trackage rights under the Trackage Rights Agreement. UP's trackage rights and related property rights are not subject to termination by JPB.

Under the Trackage Rights Agreement, UP retains a perpetual exclusive easement for operation of freight trains and delivery of common carrier rail service. UP also has certain specific rights relating to freight operations, including but not limited to continued availability of specified operational windows which, as discussed below, may conflict with CHSRA's plans for blended service.

<sup>2</sup> Final Caltrain Electrification EIR, Response to Comment P5-32, p. 3-284.

<sup>3</sup> Final Caltrain Electrification EIR, Master Response 11, p. 3-58. UP's comments on the Draft Electrification EIR, to which JPB's responses quoted above apply, are attached to this comment letter. See also additional comments below regarding EMF/EMI impacts.



## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

Mark A. McLoughlin  
Director of Environmental Services  
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In addition, UP owns the track itself for the length of "New Coast Main" line, also referred to as "Mainline 1", where JPB owns only the right-of-way but not the track structure. The New Coast Main line extends from Milepost 44 near Santa Clara Junction to Milepost 51.4 near Lick. The UP-owned track must remain available for unconstrained movement of freight.

As we have previously discussed with both CHSRA and JPB (see attached correspondence), UP reserves these valuable property and operational rights, which must not be impaired by HST facilities or operations. Moreover, UP is obligated by federal law to provide a level of service reasonably required by our customers, unless and until the STB authorizes abandonment. Accordingly, the EIR/EIS project description sections should not assume any use of track and rights of way where UP has operating rights, that would limit UP's ability to serve current and future freight rail customers. Rather, the EIR/EIS should fully disclose UP's rights with respect to freight rail operations under the Trackage Rights Agreement and acknowledge that UP has not consented to relinquish any of these rights. The EIR/EIS should also consider the environmental consequences for analysis of the proposed project ("Blended System Alternative"), its impacts and mitigation measures, and other alternatives, given that UP has not consented to use of or interference with UP's trackage rights.

### Comment 9: UP's Exclusive Intercity Passenger Service Rights

Under the Trackage Rights Agreement, UP also retains the exclusive right to provide intercity passenger service (other than Caltrain commuter service), as well as freight service, on the Peninsula Main Line and Santa Clara/Lick Line. The HST is a form of intercity passenger service, as recognized by STB in its August 11, 2014 decision authorizing construction of the Fresno-Bakersfield HST segment (p. 3):

As noted, the Line is the second segment of the planned HST System to come before the Board. The HST System would, when completed, provide high-speed intercity passenger rail service over more than 800 miles of new rail line throughout California.

UP has not assigned its intercity passenger service rights to CHSRA or any other party. Neither has UP consented to CHSRA's operation of intercity passenger service, and UP is under no obligation to do so.

In the Final Caltrain Electrification EIR, Master Response 11 (p. 3-61), JPB acknowledged that:

If CHSRA is not able to obtain the intercity passenger rights to operate in the Caltrain Corridor, then there would be no Blended Service on the tracks that Caltrain shares with freight today. In concept, CHSRA would then be required to operate on separate tracks from those covered by the [Trackage Rights Agreement] which may have different environmental impacts than the proposed Blended Service. This issue is more appropriately addressed in the project-level environmental analysis of high-speed rail operations on the Caltrain Corridor.

JPB's response is correct. The San Francisco to San Jose HST Project EIR/EIS should fully disclose UP's exclusive rights to intercity passenger rail service and acknowledge that UP has not consented to relinquish any of these rights. The EIR/EIS should also consider the environmental consequences for analysis of the Blended System Alternative, its impacts and mitigation measures, and other alternatives, given that UP has not consented to the use of its intercity passenger service rights from San Francisco to San Jose.

## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

Mark A. McLoughlin  
Director of Environmental Services  
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### Comment 10: Trackage Rights Agreement Operating Windows

The Trackage Rights Agreement requires that freight operating windows must be available to UP both during the day and at night: (i) "During the hours between 10 A.M. and 3 P.M., at least one thirty (30) minute headway 'window' on each of the northbound and southbound main tracks of the Peninsula Main Line", and (ii) between midnight and 5 A.M., an "adequate number" of 30 minute headway windows to serve freight customers, with at least one main track of the Peninsula Main Line always in service for UP's use. Trackage Rights Agreement, sections 2.10 and 4.3.

The NOP and NOI provide little detail on CHSRA's plans for blended service operations. However, we assume that JPB consulted with CHSRA when developing its analysis of cumulative impacts of HST blended service together with those of the Caltrain Electrification Project. If blended service of HST together with Caltrain is accurately described in the Peninsula Corridor Electrification Project Final Environmental Impact Report, January 2015 (Caltrain Electrification EIR), it would conflict with UP's reserved operating windows. JPB's analysis concludes that UP's daytime operating window would be entirely eliminated (Caltrain Electrification EIR, p. 3.14-32). In addition, JPB's cumulative analysis assumes that blended service operations would occur from 5 a.m. to 12:30 a.m. (Caltrain Electrification EIR, p. 4-18), extending for half an hour into UP's reserved nighttime window, solely as a result of adding the HST blended service.

As stated above, UP reserves all rights under the Trackage Rights Agreement. UP has not consented to the loss of its daytime operating window or narrowing of its nighttime operating window. Assuming that the daytime freight window and the duration of the nighttime window are maintained as required by the Trackage Rights Agreement, the assumptions regarding the blended service operating schedule in the San Francisco-San Jose HST Project EIR/EIS would necessarily change from those in the Caltrain Electrification EIR. Those assumptions, in turn, may significantly affect the results of analyses that depend on the blended service schedule, including ridership, noise, traffic and vehicle-miles-traveled reductions, and cumulative impacts. For example, the Caltrain Electrification EIR (pp. 4-129 – 130) identified the potential for significant and unavoidable localized noise and traffic impacts resulting from the cumulative operational hours reduction, which JPB attributed solely to the addition of HST blended service (while finding impacts from electrification alone to be less than significant).

In the Final Caltrain Electrification EIR, Response to Comment P5-34 (p. 3-285), JPB noted that its assumptions about blended service were based on "prototypical" schedules and that, once CHSRA developed a "proposed schedule for blended service, the potential effects of blended service on freight operational windows will need to be addressed in any future project-level analysis of a specific blended service proposal." Again, JPB's response is correct. The San Francisco to San Jose HST Project EIR/EIS should fully disclose UP's rights with respect to operating windows under the Trackage Rights Agreement, and acknowledge that UP has not consented to relinquish any of these rights. The EIR/EIS should also consider the environmental consequences for analysis of the Blended System Alternative, its impacts and mitigation measures, and other alternatives, given that UP has not consented to the use of its operating window rights.

### Comment 11: Maintenance During Nighttime Operating Window

A further complication related to operating windows is presented by the fact that CHSRA and JPB must conduct most maintenance activities at night, when their respective systems are not operating. The volumes and speeds of HST and Caltrain service effectively preclude substantial maintenance during the day. However, as noted above, UP has a reserved operating window between midnight and 5 a.m. It is difficult to see how UP's operations can be conducted effectively and its common carrier obligations can



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be met during the nighttime window, at the same time as maintenance for the two passenger systems as well as UP's own maintenance. The project description for the San Francisco to San Jose segment must clarify how CHSRA plans to conduct maintenance and access during the night, consistent with UP's operating rights under the Trackage Rights Agreement.

### Comment 12: Effect of the *Atherton v. CHSRA* Decision

The Program EIR for the Bay Area to Central Valley HST section was revised and recirculated to examine the environmental consequences in the absence of UP's consent to use of its reserved rights. This revision was required by the trial court decision in *Town of Atherton v. California High Speed Rail Authority* (Sacramento Superior Court, Case No. 34-2008-80000022, August 29, 2009), which found (at pp. 5-6):

If Union Pacific will not allow the [HSR] Authority to use its right-of-way, it appears it will be necessary for the Authority to obtain additional right-of-way outside this area, requiring the taking of property and displacement of residents and businesses. However, none of this was addressed in the FPEIR. . . . The lack of specificity in turn results in an inadequate discussion of the impacts of the Pacheco alignment alternative on surrounding businesses and residences which may be displaced, . . . and impacts on Union Pacific's use of its right-of-way and spurs and consequently its freight operations.

Accordingly, the court held, the Program EIR failed to adequately address impacts that could result from shifting the alignment to avoid use of UP's rights which had not been made available to CHSRA. Following the initial trial court decision in *Atherton*, the Program EIR was twice revised and recirculated to address the court's concerns. In Standard Response 9, "Union Pacific Railroad Issues" in the 2010 Responses to Comments on the Bay Area to Central Valley HST Revised Final Program EIR (pp. 12-24 - 12-27), CHSRA acknowledged that: "The location of the HST system in relation to UPRR freight corridors was one basis for recirculating portions of the 2008 Final Program EIR." Ultimately, the trial court upheld the revised and recirculated document, and the decision was affirmed by the court of appeal. However, that eventual outcome did not alter the implication of the decision for the project-level San Francisco to San Jose HST EIR/EIS in the same corridor: failure to take into account the environmental consequences of UP's reserved rights would be legal error.

**Comment 13: Environmental Consequences of UP's Trackage Rights.** UP's rights under the Trackage Rights Agreement must be taken into account in the EIR/EIS project description and also in the analysis of impacts, mitigation measures and alternatives, in at least the following ways:

- a) The EIR/EISs must provide accurate project descriptions in order to provide the basis for analysis of impacts, mitigation measures and alternatives. As such, the project description sections in the EIR/EISs must not assume the availability of UP-owned property and trackage rights for the HST project and should specifically address how impairment of UP's operations (including access to current and future customers, and maintenance and emergency access) will be avoided.
- b) In the analysis of transportation impacts, interference with freight rail service by HST construction and/or operations would constitute a direct environmental impact to a component of the transportation system, which the EIR/EISs must fully evaluate and mitigate, considering both temporary construction impacts and permanent impacts on freight rail service. See, e.g., the Final EIR/EIS for the Merced to Fresno HST Section (2012), pp. 3.2-

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36, 73 and 110, acknowledging impacts to freight rail as direct environmental impacts, together with impacts on other transportation modes.

- c) The analyses of acquisitions in the EIR/EISs must clearly identify any proposed acquisitions of UP property and trackage rights where UP has operating rights.
- d) The NOP and NOI describe the Blended System Alternative as "primarily a two-track system" but also include passing tracks, grade separations and other improvements in this project segment. In any locations where the HST is proposed to be located in proximity to, rather than on the same track as, Caltrain and UP, such proximity creates the potential for significant safety and hazard impacts on both systems, which must be fully evaluated and mitigated in the EIR/EISs. For example, close proximity of the HST and UP rights of way creates the potential for electromagnetic interference and electromagnetic field impacts on the UP systems, which must be fully evaluated and mitigated in the EIR/EISs. If the HST right of way and/or the UP right of way must be relocated in order to avoid encroachment and maintain operationally safe distances, each of the environmental analysis sections in turn must take such relocations of the project "footprint" into account. Potential impacts from alignment shifts could include additional construction impacts; additional property acquisitions from adjacent owners; new or further intrusion into incompatible land uses, agricultural land, sensitive habitats and other open space; and closer proximity to sensitive receptors for light and glare, noise and vibration and other localized impacts.
- e) Any reduction in freight service, or access to freight service, will have indirect impacts by causing customers to shift to shipping freight by truck, which has greater environmental impacts than rail.

### Comment 14: Electromagnetic Interference with Freight Operations.

CHSRA has previously acknowledged that its electrified propulsion system for HST trains would naturally create electric and magnetic fields (EMF) that can cause electromagnetic interference (EMI) that impedes the functioning of other rail systems. Specifically, in the Final EIR/EIS for the Merced to Fresno HST Section, CHSRA recognized that EMI from its electrification systems could interfere with nearby freight railroad signal systems. It stated:

The high electrical currents flowing in the overhead contact system and the return currents in the overhead negative feeder, high speed train tracks, and ground could induce 60-Hz voltages and currents in existing parallel railroad tracks. If an adjoining freight railroad track parallels the HST track for a long enough distance (i.e., several miles), the induced voltage and current in the adjoining freight railroad tracks could interfere with the normal operation of the signal system, thereby indicating that there is no freight train present when, in fact, a train is present, or thereby indicating that a train is present when, in fact, no train is present.

California High-Speed Train Project EIR/EIS, Merced to Fresno Section (2012), Chapter 3.5: Electromagnetic Fields and Electromagnetic Interference, 3.5-16.

UP has expressed major concerns about the HST Project causing electromagnetic fields that—when the HST Project is adjacent to UP rights-of-way—could interfere with UP's railroad signals, Positive Train Control (PTC), or other freight equipment or systems. Indeed, in the ECM Agreement for the Merced to Bakersfield section, CHSRA acknowledged that:

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- Operating CHSRA trains will create electromagnetic fields whose strength and range will vary depending on several factors.
- The HST system and operation of HST trains on the system may cause interference with the operation of conventional railroad signals, PTC systems, communication systems, or other railroad technology or equipment located or operating near the Project, which signals and systems are critical to ongoing freight operations.

For the San Francisco to San Jose HST section, the potential for significant EMF/EMI impacts is still greater, where the Blended Service Alternative proposes to use electrified right of way shared by freight operations, rather than just adjacent to or in close proximity to freight rail as in the Merced to Fresno section. There is much greater potential for such impacts when, as here, right of way equipped with conventional crossing signal equipment is itself electrified, due to the greater proximity and electrical connections between the propulsion system and the rails used by the signaling equipment.

In addition, after JPB has completed its own electrification project for Caltrain operations as analyzed in the Caltrain Electrification EIR, CHSRA may need to further change the electrified system for purposes of HST blended service. Any impacts attributable to CHSRA's changes, as well as its far higher operating speed, will alter the assumptions in the Caltrain Electrification EIR regarding EMF/EMI impacts and must be fully evaluated and mitigated by CHSRA. Moreover, the Caltrain Electrification EIR is itself currently being challenged in litigation and may be vacated and remanded, in which case CHSRA will not be able to rely on it unless and until it is revised in compliance with CEQA.

The San Francisco to San Jose Project EIR/EIS should fully analyze the EMF/EMI impacts of the HST Project on freight operations between San Francisco and San Jose, and CHSRA should commit to preventing and mitigating all such impacts.

**Comment 15: Freight Diversion to Truck Transport.** In addition to direct impacts on freight operations, disruptions in freight rail service or access to service will cause indirect impacts by compelling customers to find alternatives for freight shipping, most likely by truck. On average, trains are four times more fuel-efficient than trucks, and a single freight train can carry the same amount of cargo as more than two hundred trucks. As a result, shipping by rail significantly reduces fuel consumption, air pollution and highway congestion compared to shipping by truck. Moving freight by rail also reduces GHG emissions, on average, by 75 percent compared to shipping by truck. See Association of American Railroads, *The Environmental Benefits of Moving Freight By Rail*, June 2012, and *Freight Railroads Help Reduce Greenhouse Gas Emissions*, July 2012 (attached).

A 2009 FRA study evaluated different scenarios of train and truck types and conditions, and found that across all scenarios rail was more efficient than trucking. Moreover, even taking into account predicted increases in truck fuel efficiency through 2020, trucking was less efficient than all train types and scenarios examined in the study. FRA, *Comparative Evaluation of Rail and Truck Fuel Efficiency on Competitive Corridors* (2009), pp. 51-78, 104-105, available at [http://www.fra.dot.gov/Downloads/Comparative\\_Evaluation\\_Rail\\_Truck\\_Fuel\\_Efficiency.pdf](http://www.fra.dot.gov/Downloads/Comparative_Evaluation_Rail_Truck_Fuel_Efficiency.pdf).

If freight rail service is significantly disrupted by the HST project, shippers will move their goods by truck instead of by rail, resulting in adverse impacts due to the poorer environmental performance of trucks. In addition, displacement of freight shipping from rail to truck could substantially reduce the air quality and

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Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

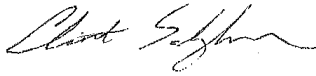
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Director of Environmental Services  
California High-Speed Rail Authority  
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GHG benefits projected to occur from passengers switching from automobile trips to the HST. The EIR/EISs must consider the consequences for air quality, GHG, traffic congestion and energy consumption relating to increased truck freight traffic.

Thank you for considering our comments. Please contact me if you have any questions or would like further information or to discuss any of these issues.

Sincerely,



Clint Schelbitzki  
General Director-Network Development

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Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

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May 13, 2008

Mr. Mehdi Morshed  
Executive Director  
California High Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, California 95814

Re: California High Speed Rail Route

Dear Mr. Morshed:

Reference is made to our meeting of May 9, 2008, to discuss the current status of the California high-speed rail initiative and its possible impacts on Union Pacific Railroad.

It was a very informative meeting to hear the efforts you are undertaking as the high-speed train bond measure is being prepared for the November, 2008 ballot.

After hearing your plans regarding the proposed routing for this service, Union Pacific feels it is important for the California High Speed Rail Authority (CHSA) to once again understand Union Pacific's position as related to potential alignments along Union Pacific corridors. Union Pacific has carefully evaluated CHSA's project and for the variety of reasons we discussed during our meeting, does not feel it is Union Pacific's best interest to have any proposed alignment located on Union Pacific rights-of way. Therefore, as your project moves forward with its final design, it is our request you do so in such a way as to not require the use of Union Pacific operating rights-of-way or interfere with Union Pacific operations. The State of California and the nation need railroads to retain their future ability to meet growing demand for rail cargo transportation, or that cargo will be in trucks on the highways.

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jerry Wilmoth".

Cc: Scott Moore -- UP  
Wesley Lujan - UP

Jerry Wilmoth  
General Manager Network Infrastructure

UNION PACIFIC RAILROAD  
10031 Foothills Blvd., Roseville, CA 95747  
ph. (916) 789-6360 fx. (916) 789-6171



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Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

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Scott D. Moore  
Vice President Public Affairs

July 7, 2008

Mr. Quentin L. Kopp  
Chairperson  
California High-Speed Rail Authority Board  
925 L Street, Suite 1425  
Sacramento, CA 95814

Re: Final Bay Area to Central Valley HST Program EIR/EIS

Dear Chairperson Kopp:

Union Pacific Railroad Company (UPRR) appreciates the opportunity to provide the following comments to the High-Speed Rail Board with respect to the above-referenced EIR/EIS.

UPRR wishes to emphasize that we are not opposed to the concept of high-speed rail nor would we oppose implementation of the project should the voters approve the bond issue in November. Our concern is that the project should not be designed to utilize or occupy any of our rights of way. Our rights of way are limited in width and are fully dedicated to freight service, and, in some instances, to commuter passenger trains. UPRR simply cannot meet the future freight transportation needs of California if our right of way is taken away for high-speed rail.

To respond to the specific corridors proposals for high-speed rail, UPRR points out that our San Jose to Gilroy right of way is very narrow by railroad standards – primarily 60-feet or less – and is bounded on one side by a major arterial highway. We could not give up a 50-foot exclusive width right of way to high-speed rail and remain in business.

Even though our right of way is wider (primarily 100-feet) along most of the Central Valley line, a loss of 50 feet would render future freight rail expansion impossible. As fuel prices rise and the nation becomes more concerned with the environmental effects of transportation, we need the ability to expand our infrastructure, perhaps substantially. In addition, we serve numerous industries on both sides of our track. High-speed rail would cut off, forever, our ability to expand capacity in the Central Valley, leaving California with only highway alternatives. It also would disrupt existing rail-served businesses and prevent new rail-served industries from locating on one or both sides of our rail line. This is not a wise transportation decision for the State.

UNION PACIFIC RAILROAD 10031 Foothills Blvd., Roseville, CA 95747 (916) 789-6015



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Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

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Regarding Caltrain's San Francisco -- San Jose corridor, UPRR does not own the right of way but has a freight easement over Caltrain's tracks. Our freight operations already are restricted to avoid delaying Caltrain's commuter trains. Imposing two exclusive high-speed rail tracks on a 50-foot right of way effectively will end our ability to provide freight service to customers on this corridor, including the Port of San Francisco. We will have the same concerns between Sylmar and Los Angeles, where Metrolink's commuter line right of way is designated for high-speed rail service.

An effective and efficient freight rail network is vital to California's economic future. Policy makers such as the high-speed rail board should not jeopardize UPRR's ability to provide such freight service by assuming that high-speed rail will have no impact. UPRR urges the board to carefully consider corridor routes that do not utilize our rights of way.

Sincerely,



Scott D. Moore

cc: Mehdi Morshed, California High-Speed Rail Authority  
Jerry Wilmoth, Union Pacific Railroad  
Wesley Lujan, Union Pacific Railroad

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Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

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November 14, 2008

Mr. Michael Scanlon  
CEO/General Manager  
Peninsula Corridor Joint Powers Board  
1250 San Carlos Avenue  
San Carlos, CA 94070

Re: High Speed Rail Impact on Union Pacific Freight Service

Dear Mr. Scanlon:

As I explained to Robert Doty in an earlier telephone conference, Union Pacific is very concerned about the impact of high speed rail on our peninsula freight operation. Union Pacific's understanding is that California High Speed Rail Authority (CHSRA) plans to take over the inner tracks on the PCJPB corridor and relegate Caltrain to the outer tracks. Union Pacific's freight service has not been mentioned or considered as far as we know.

Union Pacific is the owner and user of an exclusive freight service easement on the PCJPB right of way between San Jose and San Francisco. We are obligated by federal law to provide a level of service reasonably required by our customers unless and until the Surface Transportation Board permits abandonment. We have no plans to seek abandonment at this time.

PCJPB is obligated to safeguard and protect Union Pacific's freight service rights and easement over the peninsula right of way during negotiations with CHSRA. UP's position on sharing rights of way with high speed rail was made clear in the letter I sent to the authority on May 13, 2008, (copy attached). Our freight easement must not be eliminated or limited in any way by high speed rail facilities or operations.

Our concerns apply both to through trains and to local service. Union Pacific freight operations to the Port of San Francisco and to our other customers must be protected in any arrangement negotiated by PCJPB with CHSRA. PCJPB also must assure that our liability exposure on the San Jose (Lick) - San Francisco line, as a whole, will not increase if high speed rail service is added.

Union Pacific remains willing to reach agreement with PCJPB for transfer of freight service to a short line or regional railroad. Such transfer may provide the flexibility that PCJPB needs to accommodate high speed rail on the peninsula right of way.

Please don't hesitate to contact me at any time concerning this matter.

Sincerely,  
A handwritten signature in black ink, appearing to read "Jerry Wilmoth".

Attachment

Jerry Wilmoth  
General Manager Network Infrastructure

UNION PACIFIC RAILROAD  
10031 Foothills Blvd., Roseville, CA 95747  
ph. (916) 789-6360 fx. (916) 789-6171

## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued



**Jerzy Wilmoth**  
General Manager Network Infrastructure

February 23, 2009

California High-Speed Rail Authority  
Attn: San Francisco to San Jose HST Project EIR/EIS  
925 L Street, Suite 1425  
Sacramento, CA 95814

**Re: Union Pacific Railroad Scoping Comments For Joint EIR/EIS**

Dear High-Speed Rail Authority:

Union Pacific Railroad Company submits the following comments in response to the High-Speed Rail Authority's (Authority) Notice of Preparation pursuant to CEQA dated January 8, 2009, concerning the Project Environmental Impact Report/Environmental Impact Statement for the San Francisco to San Jose segment of the high-speed train system (HSR). These comments also respond to the Notice of Intent pursuant to NEPA published by the Federal Railroad Administration in the Federal Register on December 29, 2008. Union Pacific understands that the Authority and the FRA will jointly prepare the EIR/EIS for this project.

Union Pacific Railroad Company (Union Pacific) is a Delaware corporation that owns and operates a common carrier railroad network in the western half of the United States, including the State of California. Specifically, Union Pacific owns and operates rail main lines connecting the San Francisco Bay Area to Sacramento and points east and north, and to Los Angeles and points east and southeast. Union Pacific is the largest rail carrier in California in terms of both mileage and train operations. Union Pacific's rail network in the Bay Area is vital to the economic health of California and the nation as a whole. Union Pacific's rail service to customers in the Bay Area is crucial to the future success and growth of those customers.

Union Pacific previously submitted comments on the Bay Area to Central Valley HST Program EIR/EIS by letter dated July 7, 2008, from Mr. Scott Moore to Mr. Quentin L. Kopp of the Authority's Board (copy attached). Union Pacific reaffirms these comments and hereby incorporates them within this letter. By letter dated May 13, 2008, to Mr. Mehdi Morshed, the Authority's Executive Director (copy attached), the undersigned stated that it was not in Union Pacific's best interests to permit any proposed high-speed rail alignment on our rights of way. This remains Union Pacific's position on this matter.

Union Pacific submits the following comments with reference to the scoping of the joint EIR/EIS for the San Francisco to San Jose segment of the light rail system.

- 1) Union Pacific formerly owned and operated the Caltrain (PCJPB) right of way between San Francisco and San Jose that is proposed for the HSR system. Union Pacific sold the right of way to PCJPB in 1991 and retained a permanent and exclusive easement for the operation of freight trains and for the delivery of common carrier rail service over the entire line. Union Pacific also retained all rights and obligations relating to intercity passenger service provided by Amtrak or any other operator, at Union Pacific's sole election, operating over this line (currently no Amtrak or intercity passenger service trains operate over this right of way except between San Jose and Santa Clara). Union Pacific's permanent easement for freight and Amtrak service over this line is a valuable property and operational right that must not be impaired by construction and operation of the HSR. The Authority must protect such rights and mitigate all adverse impacts to Union Pacific's satisfaction.

UNION PACIFIC RAILROAD 10031 Foothills Blvd. Roseville, CA 95747 ph. (916) 789-6960

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- 2) In addition to retention of the easement rights outlined above, Union Pacific entered into an operating contract with the PCJPB at the time of sale setting forth Union Pacific's rights with respect to freight services on the line. Union Pacific has notified the PCJPB that it expects the PCJPB to protect Union Pacific's rights under this contract in any arrangement that might be made with HSR. The Authority must be aware of and protect Union Pacific's rights under this contract as well. All adverse impacts must be mitigated to Union Pacific's satisfaction.
- 3) As a common carrier railroad, Union Pacific is subject to the requirements of federal law governing abandonment or discontinuance of freight operations. Specifically, the Interstate Commerce Commission Termination Act (49 USC §10501 et seq.) prohibits a railroad from abandoning or discontinuing freight services over main or branch lines of railroad without authority from the federal Surface Transportation Board (STB). In the sale of the PCJPB right of way, Union Pacific retained all common carrier freight service rights and obligations. Therefore, Union Pacific's operations over the San Francisco – San Jose line are subject to STB jurisdiction. Neither the PCJPB nor the Authority may take any action that effectively requires or causes Union Pacific to abandon or discontinue freight service unless prior authority from the STB has been obtained. Union Pacific will deem any attempt by HSR to interfere with Union Pacific's property and contract rights on the San Francisco to San Jose line as an attempt to force a de facto abandonment of freight service in violation of federal law.
- 4) Union Pacific currently operates freight trains over the PCJPB right of way from San Jose to the Quint St. lead in San Francisco. The Quint St. lead diverges from the main line immediately north of Tunnel 3, near Jerrold St. Union Pacific's right to operate freight trains over the PCJPB extends to the entire width of the right of way over all available trackage. Union Pacific freight operations must not be adversely impacted by construction or operation of the HSR. All significant impacts must be mitigated to Union Pacific's satisfaction.
- 5) Union Pacific currently serves the Port of San Francisco via the Quint St. lead track. The port has advised Union Pacific that it intends to continue existing rail freight services and to encourage future growth in rail freight to and from Piers 80-96. Union Pacific is informed and believes that the port intends to enter into arrangements with tenants and pier operators that will cause future growth in rail operations. Union Pacific has means of serving the port other than via the Quint St. lead. The Authority must not undertake any action that interferes with freight operations via the tunnels and the Quint St. lead without mitigation of all significant impacts and prior approval from Union Pacific and the port.
- 6) Union Pacific currently serves a number of customers at or near the Port of Redwood City via the Redwood Jct. lead track. These customers, including Granite Rock and the port, have advised Union Pacific that they intend to continue all existing rail freight services and likely will demand additional freight services in the future. Union Pacific has no means of serving the port and the adjacent customers except via the PCJPB main line and the Redwood Jct. lead track. The Authority must not undertake any action that interferes with operations via this lead track without prior approval from Union Pacific, the port and the customers at this location.
- 7) Union Pacific currently serves a number of customers at other locations on the PCJPB San Francisco to San Jose line, including Granite Rock at South San Francisco. The existing yard at South San Francisco is crucial to Union Pacific's ability to provide

## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

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- freight service to the Port of San Francisco and to Granite Rock and other customers adjacent to the yard. The Authority must not undertake any action that interferes with
- 8) operations at the yard and adjoining trackage without prior approval from Union Pacific, the port and the customers at this location.
  - 9) Union Pacific owns and has primary operating rights on Main Track No. 1 between Santa Clara (CP Coast) and Diridon Station (San Jose). This track currently is shared with Amtrak's Capitol Corridor and Coast Starlight services and with Altamont Commuter Express's Stockton – San Jose commuter service. Union Pacific's rights to this track are crucial to continued operation of these passenger services. Use of this track also is crucial to freight service on the line to San Francisco. Further, these rights support continued operation of freight service on the main line south of San Jose to Los Angeles. The Authority must not undertake any action that interferes with Union Pacific's ownership and operation of Main Track No. 1 without prior approval from Union Pacific and the commuter agencies identified above. All adverse impacts must be mitigated to Union Pacific's satisfaction.
  - 10) PCJPB owns the right of way south of Diridon Station to a point called Lick (approximately three miles south of the station). Union Pacific's rights with regard to Main Track No. 1 extend southward to Lick. All comments in (8) above are applicable to the Diridon – Lick portion.
  - 11) Union Pacific has complete ownership of and control over the railroad right of way from Lick to Gilroy (and southward to San Luis Obispo and Los Angeles (Moorpark)). The PCJPB and the Santa Clara Valley Transportation Authority have a contract right to operate up to ten commuter trains to and from Gilroy over Union Pacific's right of way. Neither agency has any ownership rights in this line and no contractual rights to allow third parties to use this line. Union Pacific has no intention of allowing or permitting the Authority to build or operate the HSR within Union Pacific's right of way southward of Lick. The Authority should take this into account as part of the EIR/EIS for the San Francisco – San Jose segment.
  - 12) The Authority must study the following matters as part of the EIR/EIS and all necessary mitigation measures must be implemented:
    - (i) Slow speed freight trains and high-speed trains are incompatible on the same tracks at any time, including cross-overs. Union Pacific requires overhead clearance of 23 feet 6 inches, which is higher than the Authority contemplates for its electrical system. The Authority must provide grade-separated cross-overs for freight trains at necessary locations. The Authority must not contemplate operation of freight trains on any HSR trackage at any time (and vice-versa). If necessary, completely separate freight trackage must be provided. HSR must comply with all applicable FRA regulations.
    - (ii) Mitigation measures for the HSR may include construction of new freight trackage for Union Pacific. Such trackage must meet Union Pacific's construction and operation standards, and must be compliant with FRA and California Public Utilities Commission applicable standards.
  - 13) The construction and operation of HSR in the San Francisco to San Jose right of way must not cause increased operating costs or operating inefficiencies for Union Pacific. The Authority must assume Union Pacific's liability exposure and risk arising from current and future freight operations in the same corridor as the HSR. The Authority should fully study means to indemnify and insure Union Pacific against all such liability or risk, including liability to HSR patrons.

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Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

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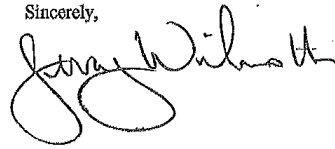
California High-Speed Rail Authority  
Page | 4

February 23, 2009

Union Pacific is confident that its concerns listed herein will be fully addressed and mitigated by the Authority and FRA during the EIR/EIS process. Union Pacific is willing to meet with the Authority and FRA to discuss its concerns about high-speed rail operation and to better understand the Authority's intentions regarding use of Union Pacific rights of way. Following such meeting, Union Pacific will be glad to consider all future requests by the Authority for information, construction standards and mapping data.

Please direct all requests and correspondence to the undersigned.

Sincerely,



Enclosures (2)



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Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

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March 13, 2009

California High-Speed Rail Authority  
Attn: San Francisco to San Jose HST Project EIR/EIS  
925 L Street, Suite 1425  
Sacramento, CA 95814

Re: Amendment to Union Pacific Railroad Scoping Comments for San Francisco to San Jose Joint EIR/EIS

Dear High-Speed Rail Authority:

Union Pacific Railroad Company submitted its written comments in response to the High-Speed Rail Authority's Notice of Preparation and Notice of Intent by letter dated February 20, 2009. We have become aware that one of our comments reads incorrectly due to a dropped word. The purpose of this amendment letter is to correct that inadvertent mistake.

Accordingly, the third sentence of section (5) on page two is corrected to read:

"Union Pacific has no means of serving the port other than the Quint St. lead."

Union Pacific presently serves the Port of San Francisco via the Quint Street lead off the PCJPB main line. This is the only track serving the port. There is no alternate route available.

Please incorporate this letter into the scoping comments for the above-referenced EIR/EIS.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Wilmoth".

Jerry Wilmoth  
General Manager Network Infrastructure

UNION PACIFIC RAILROAD  
10031 Foothills Blvd., Roseville, CA 95747  
ph. (916) 789-6360 fx. (916) 789-6171

## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

Jerry Wilmoth  
General Manager Network Infrastructure



April 8, 2009

California High-Speed Rail Authority  
Dan Leavitt, Deputy Director  
Attn: San Jose to Merced HST Project EIR/EIS  
925 L Street, Suite 1425  
Sacramento, CA 95814

Re: Union Pacific Railroad Scoping Comments  
For San Jose to Merced Joint EIR/EIS

Dear High-Speed Rail Authority:

Union Pacific Railroad Company submits the following comments in response to the High-Speed Rail Authority's (Authority) Notice of Preparation pursuant to CEQA dated February 23, 2009, concerning the Project Environmental Impact Report/Environmental Impact Statement for the San Jose to Merced segment of the high-speed train system (HSR). These comments also should be considered as responding to the Notice of Intent pursuant to NEPA as published by the Federal Railroad Administration in the Federal Register. Union Pacific understands that the Authority and the FRA will jointly prepare the EIR/EIS for this project.

Union Pacific Railroad Company (Union Pacific) is a Delaware corporation that owns and operates a common carrier railroad network in the western half of the United States, including the State of California. Specifically, Union Pacific owns and operates rail main lines connecting the San Francisco Bay Area to Sacramento and points east and north, and to Los Angeles and points east and southeast. Union Pacific is the largest rail carrier in California in terms of both mileage and train operations. Union Pacific's rail network in the Bay Area and the Central Valley is vital to the economic health of California and the nation as a whole. Union Pacific's rail service to customers in the Bay Area and Central Valley is crucial to the future success and growth of those customers.

Union Pacific previously submitted comments on the Bay Area to Central Valley HST Program EIR/EIS by letter dated July 7, 2008, from Mr. Scott Moore to Mr. Quentin L. Kopp of the Authority's Board (copy attached). Union Pacific reaffirms these comments and hereby incorporates them within this letter. By letter dated May 13, 2008, to Mr. Mehdi Morshed, the Authority's Executive Director (copy attached), the undersigned stated that it was not in Union Pacific's best interests to permit any proposed high-speed rail alignment on our rights of way. Union Pacific's position on this matter remains the same.

Union Pacific submits the following comments with reference to the scoping of the joint EIR/EIS for the San Jose to Merced segment of the high-speed rail system.

UNION PACIFIC RAILROAD COMPANY 10031 Foothills Blvd., Roseville, CA 95747 Ph. (916) 789-6360 Ex. (916) 789-6058

## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

Jerry Wilmoth  
General Manager Network Infrastructure

### Comments Applicable to San Jose to Gilroy Segment

- 1) Union Pacific formerly owned and controlled operations on the Caltrain (PCJPB) right of way between San Jose and a station named Lick (approximately 4.5 miles south of San Jose Diridon Station), which right of way is proposed for use by the HSR system. Union Pacific sold this right of way (and the right of way north of San Jose to San Francisco) to PCJPB in 1991 and retained a permanent and exclusive easement for the operation of freight trains and intercity passenger trains over the entire line. Union Pacific owns and has primary operating rights on Main Track No. 1 between Santa Clara (CP Coast) and Lick station. Between San Jose and Santa Clara, this track currently is shared with Amtrak's Capitol Corridor service and with Altamont Commuter Express's Stockton – San Jose commuter service. Between Lick and Santa Clara, this track also is shared with Amtrak's Coast Starlight, a long distance passenger train running between Los Angeles and Seattle, and with the PCJPB-VTA commuter trains to and from Gilroy (see section (3) below). Union Pacific's rights to Main Track No. 1 are crucial to effective operation of these passenger services. Such rights also are crucial to freight service on the line between Los Angeles and Oakland and to San Francisco. The Authority must not undertake any action that interferes with Union Pacific's ownership and operation of Main Track No. 1 without prior approval from Union Pacific, Amtrak and the commuter agencies identified above. All adverse impacts must be mitigated to Union Pacific's satisfaction.
- 2) The comments submitted by Union Pacific in its San Francisco to San Jose scoping letter dated February 20, 2009, and in the amendment letter dated March 13, 2009, copies attached hereto, are relevant with respect to the San Jose to Lick segment of the HSR project, and are incorporated herein.
- 3) Union Pacific owns outright in fee simple the entire width of the railroad right of way from Lick to Gilroy (and southward to San Luis Obispo and Los Angeles (Moorpark)). Amtrak's Coast Starlight operates over this line, and the PCJPB and the Santa Clara Valley Transportation Authority (VTA) have certain limited contract rights to operate up to ten round-trip commuter trains to and from Gilroy over Union Pacific's right of way. Neither agency has any ownership rights in this line and neither has any right or authority to allow third parties such as HSR to use or occupy this line. Union Pacific alone has such right. As previously advised, Union Pacific has no intention of allowing or permitting the Authority to build or operate the HSR within Union Pacific's right of way between Lick and Gilroy.
- 4) The Lick – Gilroy right of way (31 miles) owned by Union Pacific is, with few exceptions, only 60-foot wide. For much of this distance, the right of way is directly bordered by Monterey Road or other public highways. There are two main tracks from Lick to Coyote (12 miles), and the Santa Clara Valley

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## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

**Jerry Wilmoth**  
General Manager Network Infrastructure

Transportation Authority (VTA) currently is adding 8.4 miles of second main track south of Coyote. With over twenty miles of the right of way occupied by two main tracks, there is no space available for any additional rail operations, including HSR. Union Pacific intends to preserve the remaining non-double track portions for future freight service expansion. Union Pacific will take all legal action required to protect its property and operations against threats to such future capacity, including attempts to take the property by eminent domain.

- 5) The Authority must be aware of the following matters as it prepares the EIR/EIS:
- a. Slow speed freight trains and high-speed trains are incompatible on the same tracks at any time and at any location, including at-grade cross-overs. Union Pacific requires overhead clearance of 23 feet 6 inches, which is higher than the Authority contemplates for its electrical system. The Authority must provide grade-separated cross-overs for freight trains at necessary locations. The Authority must not contemplate operation of freight trains on any HSR trackage at any time (and vice-versa). If necessary, completely separate freight trackage must be provided. HSR must comply with all applicable FRA regulations with regard to freight trackage.
  - b. Given the constraints of the right of way between Lick and Gilroy, it is not possible or practical to share that right of way with HSR. There are no mitigation measures which will make this possible. Union Pacific will not voluntarily make this right of way available to HSR under any circumstances.
- 6) As a common carrier railroad, Union Pacific is subject to the requirements of federal law governing abandonment or discontinuance of freight operations. Specifically, the Interstate Commerce Commission Termination Act (49 USC §10501 et seq.) prohibits a railroad from abandoning or discontinuing freight services over main or branch lines of railroad without authority from the federal Surface Transportation Board (STB). In the sale of the PCJPB right of way, Union Pacific retained all common carrier freight service rights and obligations. Therefore, Union Pacific's operations over the San Jose – Lick – Gilroy line are subject to STB jurisdiction. Neither the PCJPB nor the Authority may take any action that effectively requires or causes Union Pacific to abandon or discontinue freight service on or over such line without prior authority from the STB. Union Pacific will deem any attempt by HSR to interfere with Union Pacific's property and contract rights on the San Jose to Gilroy line, including attempts to seize the line by the exercise of eminent domain, as an attempt to force a de facto abandonment of freight service in violation of federal law.

UNION PACIFIC RAILROAD COMPANY 10031 Foothills Blvd., Roseville, CA 95747 Tel. (916) 789-6360 Fax (916) 789-6068

## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

Jerry Wilmoth  
General Manager Network Infrastructure

### Comments Applicable to Gilroy – Chowchilla Segment

Union Pacific has no scoping comments with reference to this segment as no Union Pacific right of way or operations are involved.

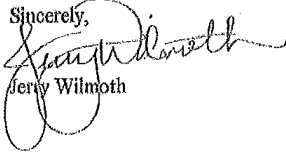
### Comments Applicable to Chowchilla – Merced Segment

The map attached to the Notice of Preparation (Figure 1) indicates that Union Pacific's main line right of way would be utilized by HSR northward from Chowchilla (Henry Miller Road) to Merced, and possibly southward to Fresno. Union Pacific's scoping comments with reference to the Notice of Preparation for the Bakersfield – Merced segment, filed simultaneously with the Authority, are applicable to the Chowchilla – Merced – Fresno segment here. Both segments may occupy portions of Union Pacific's Fresno Subdivision main line. Therefore, Union Pacific's scoping comments for the Bakersfield – Merced segment are applicable hereto and are incorporated herein by reference.

Union Pacific is confident that its concerns listed herein will be fully addressed by the Authority and FRA during the EIR/EIS process. Union Pacific is willing to meet with the Authority and FRA to discuss its concerns about high-speed rail operation and to better understand the Authority's intentions regarding use of Union Pacific rights of way. Following such meeting, Union Pacific will be glad to consider all future requests by the Authority for information concerning operations, construction standards and mapping data.

Please direct all requests and correspondence to the undersigned.

Sincerely,

  
Jerry Wilmoth

UNION PACIFIC RAILROAD COMPANY 10031 Foothills Blvd., Roseville, CA 95747 Ph. (916) 789-6360 Fx. (916) 789-6068

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Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

---

**Jerry Wilmoth**  
General Manager Network Infrastructure

Bcc: John Rebersdorf  
Mike Hemmer  
Scott Moore  
Jeff Asay, Esq.

UNION PACIFIC RAILROAD COMPANY 10031 Foothills Blvd., Roseville, CA 95747 Ph. (916) 789-6360 Fx. (916) 789-6058



## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued



**Jerry Wilmoth**  
General Manager Network Infrastructure

October 27, 2009

Mr. Mehdi Morshed  
Executive Director  
California High Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, California 95814

Re: California High Speed Rail Route

Dear Mr. Morshed:

Reference is made to letters dated October 12 and 22, 2009, regarding discussions held October 1, 2009 between California High Speed Rail Authority (Authority) and Union Pacific Railroad Company (Union Pacific) regarding Authority's proposed high-speed rail system between San Jose (Diridon Station) and Gilroy.

Authority's October 12, 2009, letter provided a conceptual schematic for the San Jose – Gilroy alignment parallel with rail lines owned by Peninsula Corridor Joint Powers Board and/or Union Pacific. While this information is appreciated, it does not afford Union Pacific with sufficient detail to determine whether this alignment will conform to Union Pacific's previously stated positions regarding the Authority's alignment in this corridor.

Therefore, as the Authority continues to develop its Environmental Impact Report (EIR) for the San Jose – Gilroy segment, please keep Union Pacific apprised of the detailed alignment prior to the EIR's issuance to ensure that the preferred alternative is fully consistent with the interests of Union Pacific.

This letter will also acknowledge Authority's October 22, 2009 letter advising Union Pacific that Authority no longer has any interest in evaluating or discussing with Union Pacific the use of any of Union Pacific's property in the vicinity of its Los Angeles Transportation Center (LATC). Also, as a point of clarification, based upon our previous discussions, Union Pacific believes the area Authority references in its letter as the ... "Golden Pig within your Union Pacific yard." is actually Union Pacific's LATC facility.

Union Pacific representatives can be available in Roseville, California on either November 9, 10, 17 or 18 to further discuss Authority's San Jose – Gilroy segment. Please advise if any of these dates are acceptable.

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Jerry Wilmoth

cc: Tony Daniels

UNION PACIFIC RAILROAD 10031 Foothills Blvd. Roseville, CA 95747 ph. (916) 789-6360

## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued



Jerry Wilmoth  
General Manager Network Infrastructure

April 23, 2010

Dan Leavitt  
Deputy Director  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, California 95814

Attn: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

In accordance with Section 1.3 of the revised draft program EIR identified above, dated March 4, 2010, Union Pacific Railroad Company submits the following comments regarding the revisions set forth in said revised EIR.

All of Union Pacific's previous written comments and objections submitted to the Authority, for this program segment and all other project and program segments, including the Union Pacific letters attached to the revised EIR, are incorporated herein and remain fully valid and effective.

### Chapter 2 – Revised Project Description and Revised Impact Analysis:

#### San Jose to Gilroy

San Jose (Diridon) to Lick – Union Pacific previously has advised the Authority that it must have no less than twenty-five feet (25') clear and available from right of way line to center line of the No. 1 main track (the UPRR freight and Amtrak track). It appears from the drawings in Chapter 2 of the revised EIR that in some locations, UP's No. 1 main line would be pushed eastward with less than fifteen feet (15') available. This will severely impact our mechanized maintenance functions and greatly hinder our ability to clear derailments. The Authority's plans allowing less than the required twenty-five feet (25') in this segment need to be revised.

Lick to Gilroy – Chapter 2 of the revised EIR appears to locate the high-speed rail corridor immediately adjacent to UP's east right of way line throughout this segment. The proposed alignment provides no buffer space between the high-speed and freight-Caltrain corridors. Where the high-speed corridor is elevated (such as at Morgan Hill), the edge of the elevated platform or structure will be exactly on UP's extended right of way line. Union Pacific previously has advised the Authority that an alignment that abuts UP's right of way line is unacceptable for two reasons: it is potentially unsafe and it prevents all future rail development on that side of the right of way.

Where the high-speed corridor is to be located between UP's right of way and Monterey Highway, UP requests that an adequate buffer space be maintained between the nearest high-speed track and UP's right of way line. The width of such buffer space shall meet UP's existing standards, i.e., be no less than fifty feet (50'), and comply with all FRA regulations and requirements. Where Monterey Highway is not adjacent to the high-speed corridor, UP requests that the corridor right of way be separated from its right of way line by at least one hundred feet (100') and meets all FRA regulations.

UNION PACIFIC RAILROAD 10031 Foothills Blvd. Roseville, CA 95747 ph. (916) 789-6360

## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

Mr. D. Leavitt, California High-Speed Rail Authority  
Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments  
April 23, 2010

Page 2 of 5

Gilroy Station – Chapter 2 indicates that the Gilroy station will be located on UP's right of way east of the existing Caltrain depot. This property is currently held for commercial or industrial development and will not be made available to the Authority. As shown previously, UP will defend against any legal action to take such property by eminent domain. UP has made this position clear to the Authority (and to the City of Gilroy) on many prior occasions and such position has not changed.

Altamont Pass Corridor – Union Pacific has not taken any position regarding this alternative corridor and does not do so at this time. UP has previously advised the Authority concerning the potential use of UP's rights of way in the East Bay and over Altamont Pass. Those comments remain operative.

### Chapter 3 – Union Pacific Railroad's Statements.

This chapter of the revised EIR attaches and discusses UP's previous written statements and comments regarding location of the high-speed corridor on its rights of way. The revised EIR does not accurately characterize and summarize UP's position, i.e., that no part of the high-speed corridor may be located on UP's right of way.

The Authority, in preparing the revised EIR, appears to have disregarded UP's statements and position with reference to the alignment of the high-speed corridor in the Lathrop to Merced and Chowchilla to Merced segments. Based on drawings and photographs in the revised EIR, the Authority intends to locate the high-speed corridor either on UP's right of way (either at-grade or elevated) in Manteca, Modesto, Salida, Turlock, Atwater and Merced, or immediately adjacent thereto. This is not acceptable. UP's position has been made clear from the outset of high-speed rail planning and is plainly stated in the letters attached to the revised EIR.

UP reiterates its position once again: no part of the high-speed rail corridor may be located on (or above, except for overpasses) UP's rights of way at any location. To the extent that the Authority ignores this position, its revised EIR is deficient.

### Chapter 4 – Impacts to Union Pacific Freight Operations.

Section 4.1.4 states the Authority's position as follows:

*HST alignments will be designed to minimize impacts to existing UPRR business-serving spurs where feasible. The Authority will work with UPRR for those locations where design of the HST alignment may affect these business-serving spurs. The following options will be jointly evaluated in concert with the UPRR:*

- *The HST alignment will be grade-separated (trench, tunnel, or aerial) from the UPRR spur.*
- *The Authority will negotiate with the UPRR to acquire the business-serving spur.*
- *If possible, the spur will be reconstructed so as not to interfere with HST operations.*

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## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

Mr. D. Leavitt, California High-Speed Rail Authority  
Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments  
April 23, 2010

Page 3 of 5

*With regard to the business implications of acquiring properties adjacent to the railroad operating rights-of-way that may prohibit or reduce the likelihood of future business-serving spurs and associated potential business opportunities for UPRR, the Authority is fully aware that there currently is no prohibition to acquiring property adjacent to existing privately-owned railroad rights-of-way. UPRR will retain authority to serve those businesses on properties or track rights-of-way owned by the UPRR.*

Union Pacific's position on the Authority's plans to locate the high-speed corridor immediately adjacent to UP's right of way has been made quite clear in its comments to the Merced-Sacramento Project Level EIR dated February 25, 2010. Those comments are incorporated herein.

To reiterate the main points of UP's position, no part of the high-speed corridor may be located on any rights of way owned or operated by UP, whether at grade or grade separated. For overpasses, all supporting piers must be completely off the right of way. Locating the high-speed corridor immediately adjacent to UP's right of way raises serious safety issues and creates a barrier against any future rail-served development on that side. California's economic and environmental needs cannot be served if future freight rail development is summarily prohibited by high-speed rail. Adequate free property must be provided adjacent to the right of way to allow for such future rail-served development.

The Authority's position statement as quoted above is unacceptable to Union Pacific. UP will not negotiate with the Authority regarding sale of right of way or rail spurs. UP will protest against and assist its existing rail-served customers in the event that the Authority attempts to take the property and operations of such customers by eminent domain.

The mitigation strategies suggested by the Authority in Section 4.1.5 are unacceptable to Union Pacific. No part of the high-speed corridor may be located on UP's rights of way. Therefore, mitigation for UP is not an issue. UP will not permit any of its trackage or facilities (such as team tracks) to be taken or relocated.

### Union Pacific's Safety Concerns and Objections.

The revised EIR fails to analyze the safety risks inherent in locating the high-speed corridor immediately adjacent to a narrow, 60 or 100-foot-wide, freight rail right of way carrying mainline freight trains at speed. Although Union Pacific and other railroads over the years have made astonishing progress in reducing freight train derailments, major derailments still occur. In most instances, derailments will remain within the confines of the rail right of way, but some derailments may propel rail cars onto the tracks of an adjacent passenger operation. A freight train derailment that coincides with passage of a 200-plus m.p.h. HSR train – which would not have the safety protections of current passenger rail equipment – could result in one of the worst rail accidents in American history, with dozens or even hundreds of fatalities. The chances of such an occurrence would be small, but even small chances, given enough time, become increasingly likely. The Authority must consider, and develop mitigation options, for this risk. These mitigations should

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## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

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Mr. D. Leavitt, California High-Speed Rail Authority  
Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments  
April 23, 2010

Page 4 of 5

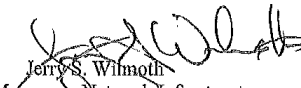
include moving the high-speed corridor as far from the freight rail tracks as possible and may include FRA-approved crash walls, intrusion detection, and interlocked signal systems. Union Pacific will hold the Authority responsible for a decision that fails to prevent this type of accident.

Conclusion and Summary.

Union Pacific has made its position regarding use of its rights of way for the high-speed rail corridor clear on many occasions. Union Pacific objects to location of the high-speed corridor so close to UP's operations as to be a safety hazard. Finally, Union Pacific objects to the location of the corridor so that it takes existing rail-served customers or acts as a barrier to all future rail-served developments.

Please direct all questions or comments to the undersigned.

Sincerely,

  
Jerry S. Wilmoth  
General Manager - Network Infrastructure

UNION PACIFIC RAILROAD 10031 Foothills Blvd. Roseville, CA 95747 ph. (916) 789-6360

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Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

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Jerry Wilmoth  
General Manager Network Infrastructure

September 1, 2010

Dan Leavitt  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, California 95814

Attn: Bay Area to Central Valley High-Speed Train (HST)  
Revised FINAL Program Environmental Impact Report

Dear Mr. Leavitt:

Union Pacific Railroad Company (Union Pacific) submits the following comments regarding the Standard Response 9 related to Union Pacific Railroad Issue as set forth Chapter 12 of the Bay Area to Central Valley High-Speed Train Revised FINAL Program Environmental Impact Report (FINAL Program EIR).

All of Union Pacific's previous written comments and objections submitted to the Authority, for this program segment and all other project and program segments, including the Union Pacific letters attached to the FINAL Program EIR, are incorporated herein and remain fully valid and effective.

Union Pacific has reviewed statements made by HSR in the FINAL Program EIR regarding impacts on freight operations, as well as, feasibility of Pacheco Pass and Altamont Pass Network alternative in light of Union Pacific position on its right-of-way. Notwithstanding alternative solutions to Union Pacific's concerns or any requirements imposed by regulatory authorities, this letter will remind HSR that Union Pacific will be sole determiner of any other additional conditions, standards or remedies required to minimize the impact HSR may have on any adjacent Union Pacific rights-of-way or facilities.

Please direct all questions or comments to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Wilmoth", written over a circular stamp or seal.

UNION PACIFIC RAILROAD 10031 Foothills Blvd. Roseville, CA 95747 ph. (916) 789-6360



## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

UNION PACIFIC RAILROAD  
10091 Foothills Blvd.  
Roseville, California 95747  
P 916 789 6960

Jerry S. Wilmoth General Manager Network Infrastructure

April 3, 2014

### VIA OVERNIGHT DELIVERY

Jeff Morales  
Chief Executive Officer  
California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

Re: Comments on CHSRA's Draft 2014 Business Plan

Dear Mr. Morales:

Union Pacific Railroad provides this letter in response to the California High-Speed Rail Authority's invitation to submit comments on its Draft 2014 Business Plan.

### Union Pacific Railroad Company

Founded in 1862 and now the largest Class 1 railroad in California, Union Pacific Railroad owns, operates, maintains, and dispatches a significant network of critical freight rail routes in California and 22 other states. In California alone, Union Pacific has 4,872 employees and 3,283 route miles of track. In 2013, it spent over \$1 billion of its private funds in California in payroll, purchases, and capital to operate and maintain its infrastructure and expand its capacity in the state.

Through these activities and investments, Union Pacific plays a vital role for the national and California economies by maintaining and expanding its ability to move freight by rail; to serve the state's ports and other shippers; and to relieve the state's crowded highway network by facilitating the transportation of goods by rail rather than by truck, thus reducing traffic congestion, air-pollutant emissions, greenhouse gas emissions, and energy consumption.

### July 2012 Memorandum of Understanding

In 2008, voters approved Proposition 1A, which authorized issuance of \$9.95B in state bonds to fund the beginning of construction of a high-speed passenger rail system. From the outset, Union Pacific communicated with CHSRA regarding the need to construct the HSR project in a manner that would not conflict with Union Pacific's interests. As Union Pacific

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## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

Jeff Morales, Chief Executive Officer  
California High-Speed Rail Authority  
April 3, 2014  
Page 2

expressed in meetings and written correspondence, the project could not be built on Union Pacific's private property, could not be built in a manner that would limit Union Pacific's ability to serve current and future freight rail customers, and could not increase Union Pacific's safety and liability risks.

In April 2012, CHSRA presented a new Revised 2012 Business Plan. Its original plans called for beginning construction on each end and building a HSR system on a new right of way that would be dedicated exclusively to HSR operations. The new plans called for construction of an initial 130-mile segment in the Central Valley and extending north and south when funding became available. CHSRA would achieve independent utility for this first phase of track (a requirement of the federal funding) by operating conventional passenger trains at speeds up to 110 m.p.h. instead of the usual top speeds of 79 m.p.h. already in service on existing adjacent tracks along this same route.

Union Pacific noted three aspects of the 2012 Revised Business Plan that would cause particular impact to the safety, capacity, and functionality of its freight rail franchise:

1. **Blended Service:** At each end of the new CHSRA track and future extensions of it, CHSRA proposed transferring its passengers to additional passenger trains that would operate in new service on existing freight railroad tracks, an idea it called "blended service." The 2012 Business Plan did not contemplate building the capacity improvements that would be necessary to support new passenger trains that would be added as part of blended service.
2. **Blended Operations:** At each end of the new CHSRA track, including future extensions, CHSRA would operate its electrified trains within the same right of way and in some places on the same tracks as conventional passenger trains and freight trains, an idea it called "blended operations."
3. **Boxing In:** Although the 2012 Revised Business Plan did not use the phrase "boxed in," the new plan proposed constructing portions of a new dedicated high-speed rail right of way in locations where it would confine Union Pacific's tracks between existing highways or other infrastructure on one side and the new CHSRA tracks on the other side, leaving Union Pacific "boxed in" and unable to serve future customers on either side of its tracks.

Union Pacific voiced its concerns about these and other issues. In response, CHSRA initiated negotiations among Union Pacific, CHSRA, Caltrans, the Capitol Corridor Joint Powers Authority, and the San Joaquin Regional Rail Commission. The Federal Railroad Administration

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helped facilitate the process. The parties emerged from those discussions with a Memorandum of Understanding and Implementing Agreement Related to High-Speed Rail Development in California dated July 12, 2012 (the "MOU"). The MOU is a binding contract that provides a framework for protecting Union Pacific's interests while describing a path forward for the construction of the CHSRA project and the addition of new passenger trains in support of blended service.

### Comments on Draft 2014 Business Plan

In this context, Union Pacific offers the following specific comments on CHSRA's Draft 2014 Business Plan.

1. CHSRA Must Comply with the Terms of the MOU When It Constructs and Operates Its High-Speed Rail System.

Many parts of the Draft 2014 Business Plan are ambiguous and possibly contradictory, leaving Union Pacific uncertain whether CHSRA's plans may conflict with the terms of the MOU. Whatever CHSRA's specific intentions may be, the construction and operation of the high-speed rail system must comply with the MOU.

2. Blended Service and Blended Operations Must Be Implemented Consistent With the Terms of the MOU.

Over the course of the past several months, CHSRA has changed its plans for blended service. In response, Union Pacific proposed an amendment to the MOU to provide CHSRA and the passenger operators greater flexibility in when and how to add more passenger trains on Union Pacific's routes. CHSRA and CalSTA rejected that proposal. This means that the original terms of the MOU remain in effect.

It is unclear whether the Draft 2014 Business Plan may propose a different approach to blended service and blended operations. Whatever CHSRA's plans may be, these comments reaffirm that Union Pacific has no obligation to allow additional passenger trains to use its routes other than under the terms of the July 2012 MOU.

3. CHSRA Will Not Electrify LACMTA's Line Between Palmdale and Los Angeles Unified Station.

The Los Angeles County Metropolitan Transportation Authority ("LACMTA") owns a right of way on which the Southern California Regional Rail Authority operates a commuter rail service between Palmdale and the Los Angeles Unified Station. Union Pacific operates on this

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same line on a freight rail easement that its predecessor-in-interest, Southern Pacific Transportation Company, reserved when it sold the line to LACMTA. In the MOU, CHSRA committed not to ask LACMTA to electrify this line:

"CHSRA will not ask LACMTA to electrify any of the routes operated by Southern California Regional Rail Authority ("SCRRA") on which UPRR also operates between Palmdale and Los Angeles Union Station ("LAUS"). CHSRA intends to build a dedicated HSR track between Palmdale and LAUS. CHSRA will not operate on tracks on which SCRRA and UPRR both operate between Palmdale and LAUS. Any electrification facilities that CHSRA or the Passenger Operators may install near UPRR right of way will be built in such a way that the facilities do not limit UPRR's use of its property for freight railroad purposes, including safety activities and maintenance." MOU §2(L).

Since execution of the MOU, in conversations and in the Draft 2014 Business Plan, CHSRA has implied or directly stated that it wishes to operate in electrified service on all or part of the LACMTA line between Palmdale and LAUS. Union Pacific reminds CHSRA that it contracted not to electrify this line or to build electrified facilities near any Union Pacific right of way in a way that limits Union Pacific's use of its property for freight railroad purposes.

**4. CHSRA Cannot Operate at High Speed on Tracks Shared with Freight Trains in Southern California.**

The Draft 2014 Business Plan appears to describe a new plan for CHSRA to operate on tracks in Southern California that are owned by LACMTA and shared with Union Pacific. CHSRA does not acknowledge Union Pacific's existing rights on these tracks or the operational and safety conflicts that would arise with attempting to operate freight trains, conventional passenger trains, and high-speed passenger trains on the same track. CHSRA's plans cannot conflict with Union Pacific's rights on these corridors.

**5. The Draft 2014 Business Plan Does Not Recognize Union Pacific's Exclusive Rights to Operate Intercity Passenger Service on the San Francisco Peninsula.**

CHSRA plans call for operating on tracks owned by the Peninsula Corridor Joint Powers Board ("JPB") between San Francisco and San Jose. In 1991, Union Pacific's predecessor, Southern Pacific, sold this right of way to the JPB and reserved an easement for freight operations. Southern Pacific also reserved the exclusive right to operate intercity passenger

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service on these tracks. Union Pacific now holds those rights. The Draft 2014 Business Plan does not acknowledge Union Pacific's rights, and CHSRA has not secured any rights to operate on this route.

**6. CHSRA May Not Electrify Its Routes in a Manner That Conflicts with the Operation of Railroad Signals, Positive Train Control, or Other Equipment or Systems on Union Pacific's Routes.**

The Rail Safety Improvement Act of 2008 mandates that all Class 1 railroads and all entities providing regularly scheduled intercity and commuter rail passenger transportation must implement a positive train control ("PTC") system on significant portions of the national rail network by December 31, 2015. 49 USC §20157. PTC is an integrated communication and control system that is being developed as a new kind of train control system that will prevent trains from exceeding track speed limits or violating signals. PTC's fail-safe condition will be to automatically slow or stop a train.

CHSRA's plans call for using 25kV overhead catenary to provide power for its high-speed trains. Operating CHSRA trains will create electromagnetic fields whose strength and range will be affected by the voltage of the CHSRA system and the speed of CHSRA trains. There are no railroads in the United States that already use 25kV electrical catenary to operate trains at the high speeds contemplated for the CHSRA system. CHSRA has performed no testing to investigate whether operating electrified trains of the design, voltage, and speed of the planned CHSRA trains may cause electromagnetic interference or other kinds of interference with the operation of conventional railroad signals or PTC systems of the kind that will be used in California.

CHSRA must design, construct, operate, and maintain its high-speed rail system in a manner that ensures that it will not interfere with the safe and reliable operation of railroad signals (including automatic grade crossing warning devices), PTC systems, or other equipment or systems located or used on property that Union Pacific owns or on which Union Pacific operates. Again quoting the MOU, "Any electrification facilities that CHSRA or the Passenger Operators may install near UPRR right of way will be built in such a way that the facilities do not limit UPRR's use of its property for freight railroad purposes, including safety activities and maintenance." MOU §2(L).

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### **7. Additional Agreements with Union Pacific.**

The draft 2014 business plan notes that constructing CHSRA's proposed project will require multiple definitive agreements with freight railroads. Union Pacific has been working in good faith with CHSRA to advance discussions about those agreements, including agreements related to real estate transactions. Any suggestion that Union Pacific may be responsible for delays or increased project costs because it has acted unreasonably or in bad faith is false. As it always has, Union Pacific reserves all rights it has related to the negotiation, execution, and enforcement of all necessary agreements.

### **8. Dedication of Union Pacific Resources.**

On page 70, the draft business plan states: "In addition, the terms of these agreements [with freight railroads] and constraints imposed by the railroad's [sic] normal operations may negatively impact (implicit) productivity assumptions made during the development of the program's schedule and cost estimate, as well as the eventual contractor's possible means and methods."

If this statement suggests that anything about Union Pacific's normal operations has or will wrongfully impact CHSRA's productivity assumptions or any other part of the CHSRA project, it is incorrect. CHSRA is solely responsible for any assumptions it has made and any communication with Union Pacific that may be needed in relation to the development of CHSRA's plans.

Union Pacific has advised CHSRA staff on numerous occasions over a considerable period of time about Union Pacific's processes, protocols, scheduling requirements, methods and timelines for material procurement, and other matters of direct relevance to the various ancillary or sub-projects, such as grade separations, track relocations, and utility relocations, to be undertaken by CHSRA or the numerous other agencies that are performing work in support of the CHSRA network. Union Pacific has been very clear about why it is not possible to quickly deploy personnel and other resources on short notice to meet CHSRA's needs. CHSRA must commit to a realistic and comprehensive schedule for its activities in order for Union Pacific to prepare to meet the significant demands that a project such as this will put on Union Pacific's resources.

In this context, Union Pacific notes that it has accrued hundreds of thousands of dollars in expenses over a period reaching back to 2012 for which CHSRA has not yet reimbursed the company. The parties are in the process of amending their reimbursement agreement to make



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It possible for CHSRA to use federal funds to pay these obligations. In the meantime, this issue further illustrates why Union Pacific requires greater certainty in CHSRA's schedule and processes before Union Pacific can plan for and commit resources to support the high-speed rail project.

### Conclusion

Union Pacific looks forward to continuing to work with CHSRA consistent with the terms of the MOU, the comments above, and the other agreements the parties are negotiating.

Sincerely,

  
JERRY S. WILMOTH

JSW/jlg

cc: Tom Fellenz, Chief Counsel, CHSRA  
David Kutrosky, Managing Director, CCJPA  
Stacey Mortensen, Executive Director, SJRRC  
Bruce Roberts, Division Chief (Acting), Caltrans Division of Rail  
Brian Kelly, Secretary, California State Transportation Agency  
Michael Scanlon, Executive Director, PCJPB  
Arthur Leahy, Chief Executive Officer, LACMTA  
Karen Hedlund, Deputy Administrator, FRA

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April 29, 2014

Peninsula Joint Powers Board  
Attn: Stacy Cocke, Senior Planner  
1250 San Carlos Avenue  
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San Carlos, CA 94070-1306

Re: Peninsula Corridor Electrification Project Draft Environmental Impact Report

Dear Ms. Cocke:

Union Pacific Railroad Company (UP) submits the following comments to the Peninsula Corridor Joint Powers Board (JPB) on the Draft Environmental Impact Report (DEIR) for the Peninsula Corridor Electrification Project (Project) issued in February 2014 pursuant to the California Environmental Quality Act (CEQA).

UP owns and operates a common carrier railroad network in the western half of the United States, including the State of California. Specifically, UP owns and operates rail main lines connecting the San Francisco Bay Area to Sacramento and points east and north, and to Los Angeles and points east and southeast. UP is the largest rail carrier in California in terms of both track mileage and train operations. UP's network in the Bay Area is vital to the economic health of California and the nation as a whole, and its rail service to Bay Area customers is crucial to the future success and growth of those customers. UP's Bay Area network includes the Project alignment, a 51-mile segment of track comprising the Peninsula Main Line and Santa Clara/Lick Line, on which UP operates pursuant to trackage rights retained by its predecessor Southern Pacific Railroad, when Southern Pacific sold the track to JPB in 1991. In addition, within the right-of-way owned by JPB, UP owns a segment of the track itself, as defined in the trackage rights agreement.

UP recognizes that the Project addressed in the DEIR is JPB's Peninsula Corridor Electrification Project. However, as the DEIR notes, the Project is closely related to the California High Speed Train Project and will have cumulative impacts together with that project. Accordingly, these comments address certain issues and cumulative impacts that are relevant to both projects. For that reason, UP is providing a copy of these comments to the California High Speed Rail Authority (CHSRA).

**Comment 1 – NOP Comments:** UP submitted comments on the Notice of Preparation for the DEIR, by letter dated March 18, 2013, and on the previously released, but never certified, Draft EIR for a prior version of the Electrification Project, by letter dated May 25, 2004 (copies attached). Those comments remain in effect and are incorporated by reference in this letter for inclusion in the record on the DEIR, except that the electrical system design and vertical clearance must comply with the updated 2012 version of the American Railway Engineering and Maintenance-of-Way Association's Manual for Railway Engineering.

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**Comment 2 – Areas of Controversy:** The DEIR notes, under “Areas of Controversy” (p. ES-25), that: “the Proposed Project could affect freight service because of changes in freight operational hours, which would be of concern to Union Pacific Railroad and freight users. The Proposed Project would provide adequate vertical clearances to accommodate existing freight equipment, and the Draft EIR identifies mitigation to restore existing effective vertical clearances where necessary and appropriate. Still, changes in vertical clearance would be of concern to the affected parties.” UP is indeed concerned by JPB’s proposal to reduce both freight operational hours and vertical clearance to accommodate electrification. As described in the DEIR, the Project may result in significant environmental impacts both directly and, because UP has not consented to impairment of its contractual rights regarding clearance and operating windows, indirectly. These issues are discussed in the comments below.

**Comment 3 – Impacts to Freight Service as a Component of the Transportation System:** The DEIR asserts that “[b]usiness effects by themselves would not be considered environmental impacts, unless somehow the change in train operations would result in secondary physical environmental impacts.” For example, if reduced operational hours or vertical constraints seriously impair freight service in the corridor, customers may divert their shipments to trucks or less direct rail lines, indirectly resulting in increased air pollutant and greenhouse gas emissions, traffic congestion, noise, etc. DEIR, p. 4-129.

It is true that economic effects are not considered environmental impacts under CEQA, and that indirect effects as discussed by the DEIR can constitute significant environmental impacts. However, the DEIR ignores the fact that the freight rail system is not just a business, it is part of the overall transportation system. See, e.g., California High-Speed Train Project Final EIR/EIS, Merced to Fresno Section (2012), pp. 3.2-36, 73 and 110, acknowledging impacts to freight rail as direct environmental impacts, together with impacts on other transportation modes. The DEIR should similarly address these direct impacts to freight rail operations as transportation impacts, in addition to secondary effects due to potential freight diversion. The Merced-Fresno High-Speed Train EIR/EIS concluded that “As the HST alternatives do not encroach on the freight rail corridors, they would not have a direct effect on current and anticipated freight operations.” *Id.*, p. 3.2-36. Under the standard articulated by CHSRA, the electrification project does encroach on freight vertical clearance and operational hours, and therefore does have a direct, significant impact on current and anticipated freight operations.

**Comment 4 – Consideration of Project Benefits:** The DEIR also asserts that “[l]imiting of passenger rail service to avoid narrowing of freight operational windows would be counterproductive to Proposed Project and Blended Service purposes and would only decrease project benefits to regional traffic, air quality, and noise.” DEIR, p. ES-19. A lead agency cannot disregard a significant impact simply because the project has other benefits. Rather, CEQA specifies a multi-step procedure for considering project benefits: when a significant environmental impact is found, the lead agency must make changes in the project to mitigate or avoid the impact, if feasible, regardless of the benefits of the project. If avoidance or mitigation is not feasible, the lead agency may adopt a statement of overriding considerations, which takes

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into account project benefits. Before doing so, the EIR must identify the impact as significant, identify alternatives or mitigation measures to avoid or reduce the impact, and consider whether or not specific economic, legal, social, technological or other considerations make infeasible the mitigation measure or alternatives identified in the EIR. CEQA (Pub. Res. Code) section 21081(a). Only then, at the final adoption of the project, may the lead agency consider whether overriding benefits outweigh the significant and unavoidable impacts on the environment. CEQA section 21081(b). The DEIR fails to follow this required approach.

**Comment 5 – Unclear Description of Vertical Clearance:** As regards vertical clearance, the DEIR fails to comply with the CEQA requirement for a clearly defined, accurate and stable project description, to provide the basis for analysis of environmental impacts. DEIR section 2.3.1 generally describes the catenary system and clearances. Contact wire heights would vary from “approximately 16.0 to 23.0 feet”, which the DEIR asserts would allow for existing freight railroad clearances and operations. DEIR, p. 2-5. “Special designs could be employed in close clearance tunnels or under bridges in order to provide sufficient clearances to existing freight and diesel passenger trains” – but those “special designs” are not specified. *Id.* At three tunnel locations and four bridge overcrossings, track may be lowered and/or realigned to provide “adequate” vertical clearance. DEIR, p. 2-6.

The project description does not clearly identify an “adequate” minimum clearance or demonstrate that safe and functional operational clearances can be maintained, without structural modifications, everywhere but the seven tunnel and bridge locations. Even at those seven locations, where the DEIR acknowledges that up to 1.75 feet of additional clearance would be required, the DEIR does not identify the clearance to be achieved by the additional 1.75 feet. Thus, the project description fails to disclose essential information, making it impossible to determine whether the assertion that “adequate” clearance will be maintained for existing freight operations is technically correct.<sup>1</sup>

**Comment 6 – CPUC General Order 95:** In addition to maintaining existing freight operations, adequate clearance must satisfy safety requirements. The DEIR acknowledges that approval of the California Public Utilities Commission (CPUC) is required for “public safety considerations of Caltrain electrification facilities.” DEIR, p. 2-22, Table 2-6. CPUC General Order 95 (GO 95) prescribes detailed standards for overhead electric line construction, including standards for minimum vertical clearance to prevent electrical arcing between electric railway power systems (referred to in GO 95 as “Class T Circuits”) and overhead structures such as bridges and tunnels. It is not clear, however, which requirements of GO 95 will apply to which portions of the Project. More important, it is not clear that in all locations – in particular, the most constrained bridge and tunnel locations – the Project can achieve the minimum clearances necessary to

<sup>1</sup> UP’s comments 5-8 respond to the analysis in the DEIR, which focuses on vertical clearances necessary to maintaining freight usage as it exists today. Separately, UP also reserves its rights, under the 1991 Trackage Rights Agreement, to maintenance of vertical clearance as it existed in 1991. This issue is addressed in our comments 19-21, below.

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comply with GO 95. The DEIR should be revised to clearly demonstrate that adequate clearance will be maintained satisfying GO 95 and any other applicable requirements to protect public safety. Should CPUC's review and approval result in any modification of the project clearances that could alter other conclusions in the DEIR (e.g., the significance of impacts on freight operations), supplemental CEQA review would be required.

In addition, in response to a petition from CHSRA, the CPUC has instituted a rulemaking to establish new safety rules for electrical systems for the high speed rail project. It is not yet clear whether those rules would apply to JPB's electrification project and, in any case, the rulemaking has not yet been completed. Should the outcome of CPUC's rulemaking result in new applicable standards that require alterations in the Project, again supplemental CEQA review would be required.

**Comment 7 – Vertical Clearance Impacts:** In analyzing impacts on freight service, the DEIR again asserts that “adequate vertical clearance” will be provided by minor modifications at the tunnel and bridge locations and “[c]onsequently, existing freight vehicles that are currently used on the Caltrain corridor would not be restricted by lowered overhead clearances. Thus, no impact on existing freight service is expected due to changes in the overhead clearances.” DEIR, p. 3.14-65 - 66. This analysis is conclusory, unsupported and circular: there is no impact due to clearance changes because clearance is asserted to be adequate.

Fig. 3.14-8 illustrates clearances at two “prototypical” locations where contact wire height is 18.5 or 22 feet, and vertical clearance is reduced to 17.46 and 20.96 feet, respectively. However, Fig. 3.14-8 also notes that existing freight equipment heights may be as much as 20.25 feet, higher than the 17.46 foot clearance (Tunnel 4) shown in the figure when contact wire height is at 18.5 feet within tunnels. Thus, the examples in the figure do not demonstrate the absence of a significant impact from the Project as described. Moreover, these examples apparently are not the most constrained portions of the alignment – rather, the project description indicates that contact wire heights will range lower than 18.5 feet, and in some locations will be as low as approximately 16.0 feet. DEIR, p. 2-5.

UP has been unable to verify the accuracy of the data presented in DEIR Table 3.14-12 regarding the constrained locations along the alignment and heights of existing freight traffic through those locations. In any case, based on the limited information in the DEIR, it is not clear that sufficient clearance will be maintained in all locations so that UP can use the same freight vehicles to the same extent that it does currently. As such, the conclusion that there will be no restriction on existing use of freight vehicles and, therefore, no significant impact is not supported. The DEIR must be revised to clearly state minimum clearance standards that will be satisfied at relevant points along the Project alignment, with a technical justification for the selection of the standards. In addition, since the DEIR concludes that there would be “adequate vertical clearance” to ensure no significant impact on freight service from vertical clearance changes, any new or substantially more severe significant impact resulting from changes during final design would trigger supplemental CEQA review. The demonstration that adequate clearance for



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existing freight usage will be maintained must be clearly documented, along with a commitment to supplemental CEQA review should any modifications during final design result in alterations in vertical clearance.

**Comment 8 – Cumulative Vertical Clearance Impacts:** In the cumulative impact analysis, the DEIR posits that future use of taller freight equipment, together with the lowering of vertical clearance as part of the Project, would result in cumulatively significant impacts. To address the issue, the DEIR proposes Mitigation Measure TRA-CUMUL-3, requiring JPB and UP to share responsibility, and apportion the cost, for future site improvements to restore vertical height clearance. DEIR, pp. 4-128 -132. This joint responsibility is premised on the DEIR's conclusion that the Project, by itself, would permit continued use of existing freight equipment; only future freight equipment would be an issue. However, as indicated in the previous comment, the DEIR does not provide sufficient information to support the claimed distinction between accommodating existing railcar heights and constraining future taller railcars. On the contrary, the limited information presented does not demonstrate that sufficient clearance for existing equipment will be maintained in all locations. Again, this demonstration should be clearly stated in the EIR, along with a commitment to supplemental CEQA review should any modifications during final design result in alterations in vertical clearance. In addition, unless the DEIR as revised does demonstrate that technically sufficient minimum clearance standards can be maintained at all locations, it must provide a mitigation measure comparable to TRA-CUMUL-3 for the Project's non-cumulative impacts on existing freight operations, to be implemented at JPB's sole cost.

**Comment 9 – Easements:** The DEIR states that JPB must acquire easements on approximately 7,000 linear feet of adjacent road and rail right-of-way for the overhead catenary system, and approximately 9 additional acres of easements on road and rail right-of-way for electrical safety horizontal clearance. DEIR, pp. 2-20, 3.10-9. On March 31, 2014, JPB sent UP a letter indicating the locations of potential encroachments where JPB may need to acquire easements. The extent of the encroachments was not identified in the letter. However, JPB subsequently provided additional information which we are still evaluating. UP has not yet been able to determine whether there would be significant impacts on freight operations due to preclusion of UP's installation of overhead signal and other structures, or to JPB's need to enter into the UP right-of-way to manage vegetation in the Electrical Safety Zone. At the least, mutually acceptable procedures must be established to ensure that any vegetation management and maintenance access in the freight right-of-way is conducted safely.

**Comment 10 – ADA Compliance and Horizontal Clearance:** The DEIR acknowledges that construction will be subject to the requirements of the Americans with Disabilities Act (ADA). DEIR, p. 2-19. As such, modifications to the existing stations as part of the Project could trigger ADA requirements to upgrade access and alter platform heights, to ensure level boarding for passengers. However, altering platform heights and other access changes would also affect freight operations. The Federal Railroad Administration (FRA) has mandated that ADA-compliant platforms provide for level boarding, with a gap of no more than three inches between



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the car and the platform, allowing direct wheelchair access. However, a gap of at least six inches is required for safe clearance of locomotives and boxcars of standard width. Accordingly, the practical effect of subjecting construction to ADA requirements may be to preclude freight operations. We understand that JPB's current plans assume that the Project as designed will not trigger ADA requirements for any alterations potentially affecting clearance; accordingly, the DEIR does not consider the impacts of reducing horizontal clearance, including changes associated with ADA compliance. If that is the case, however, it should be clearly stated in the EIR, along with a commitment to supplemental CEQA review should any modifications during final design result in alterations in horizontal clearance.

### **Comment 11 – Electromagnetic Fields/Electromagnetic Interference (EMF/EMI) –**

**Technical Assumptions:** The background discussion and assumptions described in DEIR section 3.5 are flawed and/or incomplete, casting doubt on the accuracy of the analysis. This section should be revised to provide a more technically rigorous presentation. For example, the DEIR, on p. 3.5-2, suggests that magnetic fields associated with direct currents are higher than those for alternating currents, which has no basis in the physics of magnetic fields. The strength of a magnetic field created by an electric current depends on the current's magnitude and path, not whether it is direct or alternating. DEIR p. 3.5-2 also asserts that electric field strength rapidly attenuates with distance from the source, which is true for small "point sources" such as household appliances but is untrue for "line sources" such as power lines. Table 3.5-1, comparing magnetic field strengths for electrical appliances and transmission lines, erroneously conflates field measurements made in different ways near point and line sources whose field strengths diminish differently with distance. Specifically, the strength of EMF surrounding point sources is proportionate to the reciprocal of distance from the source squared ( $1/x^2$ ), while EMF from line sources, such as the catenary wires of the Proposed Project, is proportionate to the reciprocal of distance from the source ( $1/x$ ).

In addition, the DEIR on p. 3.5-3 incorrectly states that magnetic fields along the right-of-way of electric power transmission and distribution lines are a function of voltage, height, and distance to point of exposure. *Magnetic* field strength in the immediate vicinity of an electric power line is primarily a function of the current carried by the line, not the voltage. *Electric* field strength is roughly equal to the voltage divided by the height of the line. However, the example given here (a 500 kV line would generate fields approximately four times as strong as a 115 kV line) is misleading, disregarding the fact that safety codes require suspending higher voltage transmission lines at a greater height. At ground level, in practice, the field of a 500 kV line higher than a 115 kV line would not be four times as strong.

More important, in the absence of any Project-specific information on EMF/EMI, the DEIR relies on comparisons to the French Train a Grande Vitesse (TGV) system and Amtrak Northeast Corridor. DEIR, pp. 3.5-7 – 3.5-10. The TGV is not a comparable system for evaluating the Project's EMF/EMI impacts on existing railroad signaling equipment, as it is not closely paralleled by a diesel-electric railroad with the type of signaling equipment utilized in North America. Some segments of Amtrak's Northeast Corridor may be more directly comparable to

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the Project, but insufficient information is provided in the DEIR to support this conclusion. In particular, we understand that the Northeast Corridor currently uses several different catenary systems and the DEIR does not make clear whether that the data shown in Table 3.5-6 represents 25 kV, 60 Hz operations as proposed for the Project. Moreover, no information is provided on the type of signaling equipment used and measures taken on the Northeast Corridor to ensure compatibility of the electric propulsion system with freight operations.

**Comment 12 – Electromagnetic Fields/Electromagnetic Interference (EMF/EMI) – Standards and Thresholds of Significance:** The DEIR states on p. 3.5-1 that neither the federal government nor the state of California has established standards for EMF/EMI, but does not mention that other states have done so, or consider whether it might be appropriate to apply such standards in the absence of federal or California standards. The DEIR, p. 3.5-12, also refers to “relevant industry IEEE and/or MIL (Military) standards” to be utilized in final design, but we are not aware of any such standards relevant to electrified and non-electrified railroad systems in close proximity. The DEIR should be revised to cite the specific standards if they exist, and demonstrate that they are relevant to protecting against EMI/EMF impacts on railroad signal equipment in the circumstances of this Project.

There are existing industry standards and practices for resolving conflicts between railroad signaling systems and electric power transmission and distribution lines that share the railroad right-of-way, raising issues similar to those of the Project’s catenary system. See Electric Power Research Institute (EPRI), *Power System and Railroad Electromagnetic Compatibility Handbook* (revised first edition, 2006). The DEIR does not reference this widely-used and authoritative Handbook, written by a team of experts from both the electric utility and railroad signaling industries, as part of a joint project sponsored by EPRI, the Association of American Railroads and the American Railway Engineering and Maintenance-of-Way Association.

Instead, the DEIR provides numeric thresholds of significance in Table 3.5-4 only for “public and occupational exposure”, based on standards adopted by professional organizations. DEIR, p. 3.5-7 – 3.5-8. The quantitative analysis that follows is focused on human health impacts. DEIR, pp. 3.5-8 – 3.5-11. However, sensitive equipment operations can be materially impaired by exposures far below those that would affect living organisms. Apparently acknowledging this fact, the DEIR states that “[f]or evaluating interference levels for sensitive equipment, significant impacts would occur if the Proposed Project would substantially increase background magnetic field levels.” DEIR, p. 3.5-8. The DEIR does not define “substantial” but, in relation to sensitive equipment, the magnetic and electric field strength increases shown in Table 3.5-6 for the Amtrak Northeast Corridor are indeed substantial. As the DEIR itself states: “As shown in Table 3.5-6, post-electrification magnetic field measurements near traction power substations were substantially higher than the pre-electrification values; the same is true for the electric field measurements.” As such, the DEIR appears to concede a significant impact on sensitive equipment, yet claims that system design features using “proven solutions” will suffice to “protect the existing railroad signal system, the grade crossing system, and the Positive Train Control system from electromagnetic interference created by the 25 kV AC system”, see DEIR p.

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3.5-11. The DEIR does not state whether such design features and solutions were incorporated in the Northeast Corridor, the only comparable system offered as a model, where substantial EMF increases nonetheless occurred.

**Comment 13 – EMF/EMI Impacts:** The estimated field strength values of 35-41mG as stated in Table 3.5-5 are of sufficient magnitude to cause significant EMF/EMI impacts on UP's sensitive signal, grade crossing and Positive Train Control equipment. As noted above, no relevant standards exist for design of equipment to be operated under the circumstances of this Project that can assure proper signal equipment operation, and insufficient detail is provided to support the claim that the Northeast Corridor provides an adequate model. Standard freight railroad systems will not operate safely and reliably if fields are in this range for substantial distances along the right-of-way.

We understand that the Project incorporates electrification of both tracks from the San Francisco Fourth and King Station to CP Coast, but from CP Coast southward, where there are three tracks, the Project's two electrified tracks will run parallel to UP's non-electric Mainline 1 track. Unless JPB commits, as a component of the Project and at its own expense, to replacing all of UP's existing crossing, wayside and cab signal equipment with new systems designed to be compatible with the electrified propulsion system, then EMF/EMI impacts interfering with UP signaling equipment are likely. The DEIR should be revised to provide additional, more detailed information about the Project's electric propulsion system and should address the following specific issues:

a) **False activation of grade crossings.** At any freight railroad grade crossing location now equipped with Constant Warning Time (CWT) or Motion Sensor (MS) types of warning systems, where the approaches (the roughly 1,500' to 3,000' lengths of track on either side of a grade crossing where approaching trains are detected) parallel electrified railroad tracks, the crossing warning devices (e.g. lights, gates, bells) may be subject to false activations when no train is approaching, caused by unwanted electrical energy magnetically induced into the UP's non-electrified rails from the magnetic fields generated by the electrified propulsion system. Potential false activations at grade crossings can be expected to occur when electrified train operations are being conducted, and could occur at other times as well. Repeated false activations will confuse the public and degrade the effectiveness of the warnings. This situation poses a significant risk to public safety, as some may disregard the warnings and attempt to cross in the expectation that no train is approaching.

b) **Component failures and signal equipment damage.** The analysis in DEIR section 3.5 fails to consider the consequences of random component failures that must reasonably be anticipated during the operation of the proposed electrified propulsion system. Due to the finite lifetimes of the overhead contact system components such as insulators, impedance bonds, etc. – many of which are normally replaced only on an as-needed basis following their failure – occasional failures or faults of the propulsion system inevitably will occur. The failure of these components, due to their finite service lifetimes or vandalism, could divert a larger-than-normal

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percentage of the propulsion return currents into the earth in the immediate vicinity of the fault, resulting in a localized Ground Potential Rise (GPR) that would cause a larger portion of the propulsion current to attempt to return to the nearest Paralleling Station, Switching Station, or Traction Power Substation via the earth. Although some of this current would be expected to find its way back onto the aerial static wires (if any), an abnormal percentage of the current would then seek alternative routes, including the rails of parallel tracks such as the UP's #1 Main track (MT-1). The DEIR fails to consider this possibility or provide any mitigation for its consequences.

In particular, if localized GPR resulting from a propulsion system fault were to elevate the local electric potential of the earth to a sufficient degree, this could cause the UP's track lightning arrestors to fire "backwards", i.e., propulsion return current flowing from the electrified tracks and associated structures, into and through the surrounding earth, into the grounding grid of UP signal equipment, and then "backwards" through UP's lightning arresters and into the UP rails. This propulsion fault current would then be conducted along the UP rails in the direction of the nearest JPB propulsion facilities, and could damage the UP signaling equipment and/or surge protection devices. In addition, propulsion fault events could also cause momentary but very large unwanted currents to appear in UP's rails through magnetic induction, either alone or in parallel with the conduction of fault currents. Such propulsion fault events can result in substantial damage to railroad signal equipment at multiple locations.

None of these effects is analyzed or even mentioned in DEIR section 3.5. It is unrealistic for the DEIR analysis to rely on a presumption that component faults will never occur in real-world operation of the Project. As a result, the analysis appears to substantially underestimate the potential severity of EMF/EMI impacts. The DEIR should be revised to address this issue and mitigation provided; e.g., a system for detecting propulsion fault events and requirement for prompt notice to UP and repair of any damaged UP equipment.

**c) Over-reliance on effectiveness of current cancellation.** The DEIR repeatedly touts the benefits of the magnetic field cancellation afforded by the aerial parallel feeder wires used to carry current in the opposite direction of that in the overhead contact wire. DEIR, p. 3.5-11. It is true that this configuration may "tend to cancel EMF and EMI effects created by current flow in the main OCS." Id. However, this benefit appears to be overstated. The magnetic field experienced by the rails of a parallel track such as UP's is the vector-phasor sum of the magnetic fields of each current-carrying conductor in its vicinity, to which the propulsion current returning through the rails of the electrified track also contributes. The contribution of each current-carrying conductor to the magnetic fields experienced by the rails of a parallel railroad track is a function of both the current and the proximity of each conductor. The rails of the electrified and non-electrified tracks are closer to each other than are the rails of the non-electrified track and the overhead wires of the electrified railroad. Accordingly, the contribution to the magnetic field by the returning current in the rails of the electrified railroad could have a much greater impact on the amount of unwanted electrical energy magnetically induced into the parallel UP railroad than the currents in the overhead contact wire or its aerial parallel feeders. Furthermore, given

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the physical geometry of the tracks, the magnetic field caused by the return current in the rails of the electrified track could affect one rail of UP's track significantly more than the other. This un-balanced influence on the rails of UP's track creates a difference in voltage between the two rails that could have a serious impact on railroad signaling equipment. None of these effects is analyzed or even mentioned in DEIR section 3.5. As a result, the analysis appears to substantially underestimate the potential severity of EMF/EMI impacts.

**d) Site-Specific Return Currents.** While a majority of the propulsion current drawn by the train from the overhead catenary system is expected to return to the propulsion substations via the rails and impedance bonds of the electrified tracks, a portion of this return current will return to the propulsion substations via the earth. The manner in which the propulsion return current will be divided between the rails and the earth depends on their relative impedances. However, the DEIR provides no estimates of grounding resistance, measurements of ground resistivity, or electrical modeling of the propulsion system of the proposed Project, that could be used to estimate how this system is expected to perform. Instead, the DEIR relies solely on describing the properties and performance of the French TGV and Amtrak Northeast Corridor systems, in lieu of providing any analysis of the proposed Project itself. DEIR section 3.5. Different soil resistivity characteristics could result in magnetic field strengths surrounding the Project propulsion system that are significantly different from the estimates derived from the purportedly similar TGV and Northeast Corridor systems.

**Comment 14 – Mitigation for EMF/EMI Impacts:** The proposed Mitigation Measure EMF-2 is insufficient to address EMF/EMI impacts, as it relies solely on implementing “proven design standards” during final design to ensure less than significant impacts of the Project, alone and cumulatively with other projects, on the existing railroad signal, grade crossing and Positive Train Control systems. DEIR, p. 3.5-11 – 13 and pp. 4-63 – 65. No further mitigation is provided if, once the system is constructed, the “proven design standards” prove to be insufficient to prevent EMF/EMI during operations. Moreover, MM EMF-2 relies on future analyses of EMF/EMI to be undertaken during final design, stating that “if significant voltages were to be identified, mitigation measures shall be developed” in accordance with purportedly relevant industry standards. However, as discussed above, no relevant industry standards are identified. By relying on future development of mitigation measures without identifying relevant standards, MM EMF-2 fails to demonstrate that the impacts actually will be mitigated and so constitutes impermissible “deferred mitigation.”

Even if the analysis of EMF/EMI impacts in DEIR section 3.5 were entirely accurate and sufficient, the reliance solely on pre-construction design and omission of any operational testing poses an unreasonable risk of impacts to public safety, if the Project as constructed turns out to interfere with the operation of grade crossing signals, Positive Train Control equipment, or other freight rail equipment. The limitations and flaws in the impact analysis noted above only serve to increase the importance of testing and mitigation when the catenary system becomes operational. Mitigation Measure EMF-2 should be revised to (i) acknowledge that UP, as well as the other entities and operators listed on p. 3.5-13, operates sensitive electric equipment in or



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adjacent to the right-of-way; (ii) require coordination with UP in addition to the listed entities and operators; (iii) require testing and evaluation of EMF/EMI impacts during Project operation; and (iv) require shutdown and modification of the Project electric propulsion system to eliminate the impacts, if at any time its operation causes EMF/EMI impacts interfering with signaling, automatic grade crossing warning devices, train control or other equipment necessary for safe and reliable operation of freight and passenger trains in the corridor.

**Comment 15 – Construction Disruption:** The DEIR acknowledges a potentially significant impact on freight service from disruption during construction, which could result in temporary suspension of nighttime freight service in constrained areas. DEIR, p. 3.14-64. To address construction-period railway disruption, the DEIR proposes Mitigation Measure TRA-2, implementing a “construction railway disruption control plan.” *Id.* However, Mitigation Measure TRA-2 contains very little detail, contains no performance standards, and does not require JPB to coordinate with UP or to ensure that UP has adequate access to respond to emergencies at all times during construction. By comparison, Mitigation Measure TRA-1, addressing construction-period roadway disruption, requires JPB to coordinate with local jurisdictions and emergency service providers to develop a construction traffic control plan, with specific performance standards (e.g., providing advance notice for, and limiting the number of, street closures and detours). DEIR, pp. 3.14-38 – 39. To avoid improper deferral of mitigation, Mitigation Measure TRA-2 should similarly require coordination with UP, require that UP’s emergency access be maintained throughout construction, and specify performance standards for the railway disruption control plan in a similar level of detail, to provide assurance of less than significant impacts.

**Comment 16 – Operational Hours Reduction:** Based on current safety requirements for temporal separation of heavy freight trains and the lighter electric vehicles JPB will use, the DEIR assumes that the Project will require restriction of UP’s freight service to a nighttime operational window of midnight to 5 A.M.<sup>2</sup> The DEIR concludes that this change would be “inconvenient” but would not be expected to result in diversion of freight to trucks or other modes, and so would not result in secondary impacts. DEIR, p. 3.14-65. However, as noted above, the DEIR does not address the direct environmental impact to freight service as a component of the transportation system. Moreover, the DEIR does not provide any analysis to support its assertion that shippers would not respond by diverting significant amounts of freight to other modes. Rather, this is merely stated as an unsupported conclusion. *Id.*

**Comment 17 – Cumulative Operational Hours Reduction:** The DEIR also analyzes cumulative impacts on freight service, from implementation of both the JPB electrification project and the California High Speed Rail (HSR) project, together with projected future increases in freight demand. CHSRA currently plans “blended service” of Caltrain and HSR

<sup>2</sup> The DEIR notes, but cannot rely on, the uncertain possibility that the FRA may modify these requirements in a future rule-making. DEIR, p. 3.14-65.



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trains, on the track JPB now shares with UP. To accommodate the proposed schedule of blended service, the addition of the HSR project would reduce the nighttime freight service by a further half-hour, to a window from 12:30 A.M. to 5 A.M. DEIR, pp. 4-126 – 132. This impact is again dismissed as one of “convenience, cost and/or competitiveness for freight operators.” DEIR, p. 4-127.

Again, the DEIR ignores the direct environmental impact to freight service as a component of the transportation system – notwithstanding that such impacts were acknowledged by CHSRA in the EIR/EIS for its Merced-Fresno section. The Project will contribute to this cumulative impact, together with the HSR project. Moreover, the DEIR does concede the potential for significant and unavoidable localized noise and traffic impacts, resulting from the cumulative operational hours reduction. DEIR, p. 4-129 - 130. However, there is no justification, in the analysis of noise and traffic impacts, for finding those impacts significant and unavoidable if the UP operating window is restricted to 12:30 A.M. to 5 A.M., but less than significant if the window is midnight to 5 A.M. Nothing in the discussion on pp. 4-129 – 130 turns on the loss of the additional half-hour. Thus, the EIR does not support a distinction between less than significant impacts from the operational hours reduction attributable to the Project alone, but significant and unavoidable cumulative impacts from the combined operational hours reduction of the Project together with HSR.

**Comment 18 – Nighttime Maintenance:** In considering the potential impacts of constricting freight operational hours, the DEIR disregards the fact that significant maintenance of Caltrain facilities and, in the cumulative scenario, HSR facilities also must take place from midnight to 5 A.M. or 12:30 to 5 A.M. As a practical matter, the coexistence of the three systems, and the need to conduct maintenance when they are not operating, will further constrain the functional freight windows during the nighttime hours. As such, the effects of both the Project-only and cumulative reduction in freight operational hours will be greater than the EIR acknowledges.

In addition, the cumulative impact analysis relies on accommodating additional freight service from 12:30-5 to offset the loss of the daytime and 12-12:30 operating windows. If there is no feasible plan for nighttime maintenance that can also coexist with increased freight service in the 12:30-5 window, then the nighttime window may be further curtailed or interrupted to allow for maintenance. The EIR fails to address this issue, which suggests that the EIR's operating assumptions for the cumulative scenario may be incorrect.

**Comment 19 – Trackage Rights Agreement:** The preceding comments address issues relating to the Project as described in the DEIR. However, JPB does not have the unencumbered right to construct and operate the Project as described in the EIR. Under the “Trackage Rights Agreement – Peninsula Main Line and Santa Clara/Lick Line” dated as of December 20, 1991 (Trackage Rights Agreement), UP retains certain trackage rights including a perpetual exclusive easement for operation of freight trains and delivery of common carrier rail service, and also retains rights to conduct intercity passenger service other than Caltrain service. The DEIR notes the existence of the Trackage Rights Agreement. DEIR, pp. 2-1 and 3.14-65.

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The DEIR fails to acknowledge that, under the Trackage Rights Agreement, JPB must (among other things): (i) maintain “not less than existing clearances” and (ii) make available “[d]uring the hours between 10 A.M. and 3 P.M., at least one thirty (30) minute headway ‘window’ on each of the northbound and southbound main tracks of the Peninsula Main Line. . . .” Trackage Rights Agreement, sections 2.10 and 4.3. UP reserves all rights under the Trackage Rights Agreement. In particular, UP has not consented to the loss of any amount of its reserved vertical clearance or to the loss of its daytime operating window, as assumed in the DEIR project description and impact analysis. See, e.g., DEIR, pp. 3.14-64 – 66 and Fig. 3.14-8.

In addition, UP owns the track itself for the length of “New Coast Main” line, also referred to as “Mainline 1”, where JPB owns only the right-of-way but not the track structure. Section 2.3(b) of the Trackage Rights Agreement provides that UP “shall own the New Coast Main, but Owner [i.e., JPB] shall own the real property underlying the New Coast Main.” The New Coast Main line extends from Milepost 44 near Santa Clara Junction to Milepost 51.4 near Lick. Trackage Rights Agreement, sections 1.19, 1.21, 1.33. UP has not consented to the electrification of its New Coast Main track. The UP-owned track must remain available for free movement of taller freight equipment, without vertical clearance constraints.

The DEIR should be revised to disclose UP’s rights and JPB’s obligations with respect to continued freight rail service, under the Trackage Rights Agreement, and acknowledge that UP has not consented to relinquish any of these rights.

**Comment 20 – Environmental Consequences Relating to UP’s Trackage Rights:** While the encroachment of the Project on UP’s rights under the Trackage Rights Agreement is an underlying contractual issue, it also gives rise to a CEQA issue: the DEIR must be revised to examine the environmental consequences if the Project is altered to avoid impairing UP’s reserved rights. A similar issue arose in *Town of Atherton v. California High Speed Rail Authority* (Sacramento Superior Court, Case No. 34-2008-80000022). In that case, the trial court rejected the Final Program EIR for the Bay Area to Central Valley section of the HSR project, for failure to address impacts arising from lack of UP’s consent to use its right-of-way.<sup>3</sup> That case concerned a programmatic EIR, in which a higher-level, less detailed analysis is permissible; nevertheless, the court concluded (on pp. 5-6 of its August 29, 2009 decision):

If Union Pacific will not allow the [HSR] Authority to use its right-of-way, it appears it will be necessary for the Authority to obtain additional right-of-way outside this area, requiring the taking of property and displacement of residents and businesses. However, none of this was addressed in the FPEIR. . . . The court concludes that the description of the alignment of the HSR tracks between San Jose and Gilroy was inadequate even for a

<sup>3</sup> Following the trial court’s initial decision in *Atherton*, CHSRA twice revised and recirculated the Program EIR to address the court’s concerns. The court ultimately upheld the revised Program EIR and plaintiffs appealed. In the pending appeal, CHSRA now argues that CEQA review of the HSR project is preempted by federal law. However, whatever the outcome of that appeal, JPB and its electrification project remain subject to CEQA.

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programmatic EIR. The lack of specificity in turn results in an inadequate discussion of the impacts of the Pacheco alignment alternative on surrounding businesses and residences which may be displaced, construction impacts on the Monterey Highway, and impacts on Union Pacific's use of its right-of-way and spurs and consequently its freight operations.

Accordingly, the court held, CHSRA erred in failing to recirculate a revised EIR to address land use impacts and property acquisitions that could result from shifting the alignment to avoid property rights that UP declined to make available.

In this case, JPB's proposed electrification project will occupy both space (i.e., vertical clearance and UP-owned track) and time (i.e., the daytime operating window) reserved by UP under the Trackage Rights Agreement. Like the Program EIR in *Atherton*, the DEIR is flawed for both failing to address UP's rights and failing to consider the environmental consequences, given that UP has not consented to the use of its rights. If the vertical clearance is maintained as provided in the Trackage Rights Agreement, the need to make additional room for the electric catenary may result in new or substantially more severe impacts, beyond those acknowledged in the EIR, to freight service and to overhead features and structures including protected trees and historic tunnels, or may require additional right of way acquisitions and an expanded construction footprint to shift or depress the track where there is no room overhead (see DEIR pp. 2.19 – 20, 3.3-42 - 46, 3.4-31, 3.14-65 - 66).

If the daytime freight window is retained, as required by the Trackage Rights Agreement, the assumptions regarding both the Caltrain operating schedule (DEIR, p. 3.14-32) and the blended service operating schedule of Caltrain together with HSR necessarily would change. Changing those assumptions, in turn, may significantly alter the results of any analyses that depend on the Caltrain and HSR schedule assumptions, including ridership, operational air pollutant and greenhouse gas emissions, noise, traffic and vehicle-miles-traveled reductions, and cumulative impacts (see DEIR p. 2-12 and sections 3.2-3.4, 3.7, 3.11, 3.14 and 4.1). None of these environmental consequences has been addressed in the DEIR.

**Comment 21 – Cumulative Environmental Consequences Relating to UP's Trackage Rights:** Blended service of Caltrain and HSR, as assumed for purposes of cumulative impact analysis in DEIR section 4.1, would further encroach on UP's operating rights. Under the Trackage Rights Agreement, at least one main track of the Peninsula Main Line must always be in service for UP's use between midnight and 5 A.M., during which UP must be provided an "adequate number" of 30 minute headway windows to serve freight customers. Trackage Rights Agreement, section 4.3. However, the DEIR assumes that blended service operations would occur from 5 am to 12:30 am (DEIR, p. 4-18), extending for half an hour into UP's reserved nighttime window.

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In addition, UP retains the exclusive right to conduct intercity passenger services (other than Caltrain commuter service), as well as freight service, on the Peninsula Main Line and Santa Clara/Lick Line. Trackage Rights Agreement, section 2.1. UP has not consented to CHSRA's operation of intercity passenger service or to reduction of the midnight to 5 A.M. window. Again, like the Program EIR in *Atherton*, the cumulative impact analysis in the DEIR is flawed for both failing to address UP's rights and failing to consider the environmental consequences, given that UP has not consented to the use of its rights.

Thank you for considering UP's comments on the DEIR. Please contact me if you have any questions.

Sincerely,



Jerry S. Wilmoth  
General Manager Network Infrastructure  
Union Pacific Railroad

cc: Jeff Morales, California High Speed Rail Authority  
Thomas Fellenz, California High Speed Rail Authority

Attachments:

UP's March 18, 2013 comments on the Notice of Preparation of an EIR for the Peninsula Corridor Electrification Project

UP's May 25, 2004 comments on the EA/DEIR for the Caltrain Electrification Program

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May 25, 2004

Mr. Erik Olafsson, Senior Planner  
San Mateo County Transit District  
1250 San Carlos Avenue  
P.O. Box 3006  
San Carlos, CA 94070-1306

**SUBJECT:** *Comments on EA/DEIR for the CALTRAIN Electrification Program*

Dear Mr. Olafsson,

The Union Pacific Railroad appreciates the opportunity to comment on the proposed CALTRAIN Electrification Program. The proposed project has significant impact to the railroad and will require extensive coordination between the Peninsula Corridor Joint Powers Board and the Union Pacific Railroad.

In response to your request for comments, we submit the following:

1. The project must not impact or preclude the Union Pacific's responsibility to fulfill its common carrier obligations either by limiting our ability to serve existing and future customers or by limiting future expansion capabilities.
2. The report indicates the design of the electrical distribution system and overhead electrical supply system will follow the National Electric Safety Code. The design must also follow the guidance of the American Railway Engineering and Maintenance-of-Way Association (AREMA) 2002 Manual for Railway Engineering, Chapter 33, Electrical Energy Utilization.
3. Along trackage where the Union Pacific has operating rights as well as any operation proposed for Union Pacific track, adequate vertical clearance from top of rail and lateral clearance from centerline of track must be provided in accordance with AREMA standard clearances for overhead electrification as shown in the 2002 Manual for Railway Engineering, Chapter 28, Section 1.8, Figure 28-1-7.
4. The signal system and crossing warning systems shall be designed and installed to continue to support Union Pacific Railroad train operations.

UNION PACIFIC RAILROAD / Engineering Department / 1416 Dodge Street, Room 1000 / Omaha, Nebraska 68179 / Te (402) 271-6674

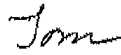
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5. Replacement of crossing warning equipment shall be approved by regulating state and local authorities, where required.
6. Replacement, modification, installation, operation and maintenance costs of signal and crossing system facilities required for UPRR train services operations shall be included in scope of project costs
7. Installation, operation and maintenance of signal and crossing system facilities shall be reviewed and approved by Union Pacific Railroad prior to implementation.
8. Proposed designs of the electrification system shall be submitted to the Union Pacific Railroad engineering department for review and approval prior to construction.

Yours truly,



Tom Ogee

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UNION PACIFIC RAILROAD  
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Jerry S. Wilmoth General Manager Network Infrastructure

March 18, 2013

Peninsula Joint Powers Board  
Attn: Stacy Cocke, Senior Planner  
1250 San Carlos Avenue  
P.O. Box 3006  
San Carlos, CA 94070-1306

Re: Notice of Preparation of an Environmental Impact Report – Peninsula Corridor Electrification Project

Dear Ms. Cocke:

Union Pacific Railroad Company (UP) submits the following comments to the Peninsula Corridor Joint Powers Board (JPB) in response to the January 31, 2013 Notice of Preparation (NOP) for a proposed Environmental Impact Report (EIR) for the Peninsula Corridor Electrification Project.

UP owns and operates a common carrier railroad network in the western half of the United States, including the State of California. Specifically, UP owns and operates rail main lines connecting the San Francisco Bay Area to Sacramento and points east and north, and to Los Angeles and points east and southeast. UP is the largest rail carrier in California in terms of both mileage and train operations. UP's network in the Bay Area is vital to the economic health of California and the nation as a whole, and its rail service to Bay Area customers is crucial to the future success and growth of those customers.

Comment 1: UP previously submitted comments on the previously released, but never certified, Draft EIR for the Electrification Project, by letter dated May 25, 2004 (copy attached). Those comments remain in effect and are incorporated by reference in this letter, except that the electrical system design and vertical clearance must comply with the 2012 version of American Railway Engineering and Maintenance-of-Way Association's Manual for Railway Engineering.

Comment 2: The NOP notes that: "Normal design clearances would be provided in all open areas" but "[s]pecial designs may be employed in close clearance tunnels or under bridges in order to provide sufficient clearances to freights and diesel passenger trains." In addition, ancillary facilities such as substations and switching stations will be installed in or adjacent to the corridor, and additional right of way may be required. It is critically important that a safe and operationally functional vertical and horizontal distance be maintained between the right of way on which UP operates and all electrical equipment, ancillary facilities and other structures installed for the Electrification Project.

Comment 3: The NOP indicates that the cumulative impact analysis in the EIR will study "a two-track system shared by Caltrain, high-speed rail and existing tenant passenger and freight rail operators" – referred to as "blended service" – as well as other cumulative developments in the Peninsula corridor. In this context, JPB should be aware that, on July 11, 2012, the California High Speed Rail Authority (CHSRA) and UP entered into a "Memorandum of Understanding and Implementing Agreement Related to High-Speed Rail Development in California" (MOU). The MOU established terms and a coordination process for development of the High Speed Rail (HSR) system affecting rights of way that UP owns or on which it operates. Since the execution of the MOU, UP and CHSRA have been working cooperatively to address a variety of HSR issues, including issues arising from blended service. We are currently engaging with CHSRA to develop modeling that will identify necessary improvements to preserve UP's capacity

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## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

and opportunities for growth with the introduction of blended service. All assumptions regarding blended service that may be incorporated into the cumulative impact analysis in the Electrification Project EIR must be consistent with the work being done by CHSRA and UP in this ongoing coordination process.

Comment 4: We understand that the EIR's cumulative impact analysis will consider the HSR project as a separate but reasonably foreseeable future project, to be fully studied in a future project-level EIR/EIS by CHSRA, but meanwhile included in the Electrification Project EIR as a contributor to cumulative impacts. However, it is unclear what cumulative analysis is contemplated. The NOP offers only the vague statement that this evaluation "will be at a conceptual level using a combination of quantitative and qualitative analysis." In any case, the cumulative impact analysis of blended service must include potentially significant impacts on freight rail service, including operational safety. Impacts on freight rail, as a key component of the overall transportation system, are environmental impacts which must be fully evaluated under CEQA. Moreover, direct impacts on the freight rail transportation system may divert freight traffic to more polluting modes such as truck transport, with secondary adverse environmental impacts. The cumulative impact analysis of blended service in JPB's Electrification Project EIR should address such impacts and include mitigation measures as necessary to reduce or avoid impacts on freight capacity and operational safety.

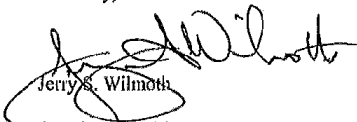
Comment 5: The NOP indicates that blended service under the "6-4" scenario (up to six Caltrain trains and four HSR trains per peak hour per direction) may require construction of passing tracks at some locations in the corridor. In addition, both scenarios may require station and grade crossing improvements and maintenance facilities. Any new tracks or other construction must not interfere with UP's operations or ability to access existing and new customers.

Comment 6: By agreement with the JPB, UP retains a permanent exclusive easement for the operation of freight trains and delivery of common carrier rail service, and also retains all rights and obligations relating to intercity passenger service (other than Caltrain service), on the Peninsula Main Line (Caltrain) right of way. UP reserves these valuable property and operational rights, which must not be impaired by the Electrification Project. The EIR should specifically address how UP's rights will be protected between CP Coast and CP Lick.

Comment 7: CHSRA has applied to the California Public Utilities Commission (CPUC) to open a rulemaking related to the creation of standards for construction of 25kv catenary. The CPUC is expected to soon open the requested rulemaking as proceeding 12-10-001. The JPB's EIR must address how any rule issued through the CPUC's proceeding will apply to this proposed project and how an EIR can be adopted before the engineering standards related its construction are known.

Thank you for the opportunity to comment on the NOP. Please contact me if you have any questions.

Sincerely,

  
Jerry S. Wilmoth

Attachment: UP's May 25, 2004 EIR Comments on EA/DEIR for Caltrain Electrification Program

## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

UNION PACIFIC RAILROAD  
10031 Foothills Blvd.  
Roseville, California 95747

Jerry S. Wilmoth General Manager Network Infrastructure

P 916.789.6360

January 7, 2015

Peninsula Joint Powers Board  
Attn: Stacy Cocke, Senior Planner  
1250 San Carlos Avenue  
Post Office Box 3006  
San Carlos, CA 94070-1306

*Re: Peninsula Corridor Electrification Project, Final Environmental Impact Report*

Dear Ms. Cocke:

Union Pacific Railroad Company (UP) submits the following comments to the Peninsula Corridor Joint Powers Board (JPB) on the Final Environmental Impact Report (EIR) for the Peninsula Corridor Electrification Project (Project) issued in December 2014 pursuant to the California Environmental Quality Act (CEQA). Please include these comments in the record for CEQA purposes before the close of the final hearing to adopt the EIR for this Project.

### UP's Freight Operations

As stated more fully in our previous comment letters, UP is the largest rail carrier in California in terms of both track mileage and train operations. UP's network in the Bay Area is vital to the economic health of California and the nation as a whole, and its rail service to Bay Area customers is crucial to the future success and growth of those customers. UP's Bay Area network includes the Project alignment, a 51-mile segment of track comprising the Peninsula Main Line and Santa Clara/Lick Line, on which UP operates pursuant to trackage rights retained by its predecessor Southern Pacific Railroad, when Southern Pacific sold the track to JPB in 1991. In addition, within the right-of-way owned by JPB, UP owns a segment of the track itself, as defined in the trackage rights agreement.

### UP's Prior Comment Letters on the Project

UP previously submitted comments on the Draft EIR for this Project by letter dated April 29, 2014 (attaching comments previously submitted by UP on March 18, 2013 and May 25, 2004 in connection with the Project). UP incorporates those prior comment letters herein by reference.

### Focus of UP Comments in Response to Final EIR: EMF/EMI Impacts

We are submitting this letter in response to the Final EIR's responses to our April 29, 2014 letter. In particular, we have prepared this letter to address JPB's discussion of electromagnetic fields and electromagnetic interference (EMF/EMI) in connection with the Project, and specifically, the potential impacts on existing freight operations.

[www.up.com](http://www.up.com)



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## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

Peninsula Joint Powers Board  
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**Comment 1: Separate CPUC Rulemaking Needed.** JPB acknowledges that the California Public Utilities Commission (CPUC) does not currently have regulations for the 25kV Overhead Catenary System (OCS) that JPB intends to use for the Project. JPB also acknowledges the current CPUC rulemaking (Rulemaking 13-03-009) for use of 25 kV electric lines “may be limited to exclusive HSR [High-Speed Rail] ROW only.” Final EIR, Resp. to Comm., p. 3-282.

In fact, CPUC Rulemaking 13-3-009 is expressly limited to “the 25 kV electrification systems constructed in the State of California serving a high-speed rail passenger system capable of operating at speeds of 150 miles per hour or higher, located in dedicated rights of way with no public highway-rail at-grade crossings and in which freight operations do not occur.” (See Ruling Granting Motion to Amend Scoping Ruling, dated Nov. 24, 2014.) The Project does not fit within the scope of CPUC Rulemaking 13-03-009 and, thus, a separate CPUC rulemaking will be required.

**Comment 2: EMF/EMI Issues for Project Are Unique Because It is on Shared Track.** The electrification Project has the potential to cause greater impacts to freight operations than considered in Rulemaking 13-03-009, because the electrified rail will not be confined to “dedicated” right of way. Instead, JPB shares the right of way with UP’s existing freight operations, and there are many highway-rail at-grade crossings where signal and warning systems may be impacted. The FEIR, including JPB’s responses to UP comments, fail to address or acknowledge these important distinctions.

**Comment 3: EMF/EMI Issues on Shared Tracks Are Not Conventional, Routine or Fully Understood.** In its response to UP comments, JPB claims the steps needed to achieve electromagnetic compatibility between “electrified and non-electrified” railways are “conventional, fully understood, and routine.” Final EIR, Resp. to Comm., p. 3-55. This claim does not account for important distinctions.

First, the claim is misleading in its suggestion that the Project involves separate rail lines—one set of lines that would be electrified, and the other non-electrified. Currently, UP and JPB operate their trains (freight and commuter trains, respectively) on the same tracks between San Francisco and San Jose. Pursuant to the Project, JPB proposes to electrify those same tracks—rails shared by freight and commuter trains for a distance of approximately 51 miles—while preserving existing freight service.

Second, contrary to JPB’s claim, electromagnetic compatibility between electrified and non-electrified rails is not “fully understood,” and JPB has failed to cite any precedent for electromagnetic compatibility on a 50-mile stretch of track shared with freight. JPB cites Denver Rapid Transit District’s “Eagle P3 Commuter Rail Project” (EP3) that is being planned to run “parallel to Union Pacific and the BNSF tracks,” sometimes as close as “25 feet or less,” for “lengthy” sections between downtown Denver and the airport. Final EIR, Resp. to Comm., p. 3-55. But constructing parallel electrified tracks is not the same as electrifying shared

## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

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commuter/freight tracks. In any event, the EP3 system has not yet been completed, tested and commenced revenue service; thus, it is premature to rely on this example as demonstrating electromagnetic compatibility with freight rail systems.

JPB also cites Amtrak's experience in the Northeast Corridor as evidence "that electrified rail and freight systems can share the same corridor without disruption of freight signaling system . . . ." Final EIR, Resp. to Comm., p. 3-284; *see also id.*, p. 3-55 (citing Northeast Corridor as an example where "[d]iesel locomotives run compatibly side-by-side"). As discussed above, "side-by-side," "parallel" or "shared corridor" operations are different from shared track, and JPB has not identified any shared track in the Northeast Corridor of equivalent length to the Project.

**Comment 4: EMF/EMI Impacts Are Greater in the Context of Shared Track.** There is a much greater potential for electromagnetic interference when tracks equipped with conventional crossing signal equipment are *themselves* electrified, due to the greater proximity and electrical connections between the propulsion system and the rails used by the signaling equipment. Significantly, the electrified OCS will be within 16 to 23 feet directly above the rails (Final EIR, Project Description, 2-6) used by freight trains—and much closer to the trains themselves and freight signaling equipment.

In its reply to UP comments, JPB makes much of the fact that "magnetic fields attenuate rapidly with distance." Final EIR, Resp. to Comm., p. 3-283. JPB provides the following example. Compared to the field strength at 10 feet from the OCS line, the field strength at 20 feet from the OCS line would be 50 percent (of the strength at 10 feet from OCS), and the field strength at 40 feet would be 25 percent (of the strength at 10 feet from OCS). Final EIR, Resp. to Comm., p. 3-283.

The corollary to "attenuation with distance" is strengthening with proximity. Obviously, EMF/EMI has the potential to be greatest where, as here, the Project proposes electrification of shared track. Yet JPB fails to acknowledge and address how this fundamental concept applies in the context of shared track.

**Comment 5: Power System EMFs Do Cause EMI with Railroads.** In its response to UP comments, JPB asserts that "power system EMFs do not cause EMI that interferes with either the safe or dependable operation of the railroad." Final EIR, Resp. to Comm., p. 3-283. This is incorrect. There are presently several sites distributed throughout the North American railroad network where parallel electric power transmission and distribution lines are causing interference with railroad operations. This has been true historically as well.

The severity of interference in these cases ranges from intermittent false activation of railroad grade crossings, to intermittent railroad signal equipment damage and electrocution hazards. It is for this reason that the Association of American Railroads, and the American Railway Engineering and Maintenance-of-Way Association have worked extensively with the Edison Electric Institute and the Electric Power Research Institute to develop new and better educational materials, training programs, engineering guidelines, diagnostic methods, and mitigation



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techniques for addressing interference between power lines and rails. Each situation is unique, and the design aspects of the power systems must be carefully evaluated on a case-by-case basis—using computer modeling and simulation as appropriate—and revised, as necessary, in order to ensure compatibility.

**Comment 6: Electrified Rail EMFs Are Stronger and More Dynamic than Power System EMFs.** While electric utility power lines can be designed or modified to ensure electromagnetic compatibility, the EMF/EMI caused by electrified rails is much stronger and more difficult to control. This is because of the dynamic nature of the EMF/EMI caused by a train propulsion system, including train movement and associated power fluctuation.

Electric fields result from the strength of the electric charge, while magnetic fields result from the motion of the charge. Final EIR, 3.5-2. There are two primary ways that an electrified rail system can create EMF/EMI. First, the power flowing through the OCS can magnetically induce significant amounts of 60 Hz energy into the rails. Second, there can be a significant amount of other frequencies generated by the electrified locomotives' propulsion system.

At a basic level, the interference from the 25 kV 60 Hz overhead catenary system will not only create constant interference, but the level of interference will frequently vary due to the train movement. Additionally, the type of interference that might be produced by higher-speed commuter trains (up to 79 mph—much faster than freight trains) could be particularly dangerous because the speed of the trains will mean that the level of interference could change vary rapidly.

**Comment 7: EMF/EMI Has the Potential to Cause Significant Impacts to Sensitive Signal, Grade Crossing and Positive Train Control Equipment.** As stated in UP's last comment letter, EMF/EMI has potential "real-world" safety impacts for existing freight operations, including false activation at grade-crossings, component failures and signal equipment damage, and site specific return currents. In this regard, UP specifically refers to and incorporates Comment 13 of its April 29, 2014 letter.

**Comment 8: Solutions to EMF/EMI Are Not Routine.** In responding to UP comments, JPB asserts that there are "routine" steps to improve electromagnetic compatibility between large interference sources, such as a.c. power transmission and distribution systems and electrified railroad propulsion systems. Final EIR, Resp. to Comm., p. 3-55. Such solutions typically involve the substitution of non-motion-sensitive (e.g. "audio frequency overlay" or AFO) track circuits in place of the Motion Sensor and Crossing Predictor technology normally used by UP at its grade crossings. In order to implement this type of solution to Project-induced EMI, a different mode of warning system operation may be required.

Also, in the response on page 3-56, JPB indicates that it intends to replace existing Constant Warning Time (CWT) devices such as Crossing Predictors with a combination of CBOSS PTC and/or AFO track circuits. Final EIR, Resp. to Comm., p. 3-56. This would mean that some of UP's existing crossing equipment would need to be replaced.



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Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

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These solutions are not routine.

**Comment 9: JPB's Proposed Change to Warning Devices at Crossings Could Confuse Motoring Public and Impact Safety.** As stated in its response to UP comments, JPB proposes to solve the potential electromagnetic compatibility problems by replacing the UP's existing track circuits with the AFO-based circuits that are commonly used to control grade crossings on electrified passenger railroads. However, JPB's response ignores the potential safety impacts caused by using AFO circuits on track that is shared by higher-speed commuter rail and lower-speed freight.

Using AFO-based track circuits on *electrified passenger railroads*, where the consistent train speeds and consistent train acceleration patterns result in fairly consistent warning times at the grade crossings, is generally a good crossing design solution. In contrast, if a *mixture of passenger and freight trains of widely varying speeds* will be using such AFO-equipped crossings, the result will be widely varying warning times at the grade crossings, which could compromise the safety for the motoring public using these crossings.

Not only would AFO-equipped grade crossings behave in a manner that was significantly different from past experience when they were CWT-equipped—and thus lead to motorist confusion—the warning times produced at such crossings would significantly differ for freight and passenger trains. For a slow-moving freight train, the warning time and crossing gate activation would last much longer before any train was in sight. As a result, some motorists might be confused (assuming it was a false activation) or tempted (assuming they have enough time to get around the gate before the train arrives) to drive around the crossing gates, which could increase the potential for accidents.

Thank you for considering UP's comments on the Final EIR. Please contact me if you have any questions.

Sincerely,



Jerry S. Wilmoth  
General Manager Network Infrastructure  
Union Pacific Railroad

## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued



BUILDING AMERICA®

April 18, 2016

**VIA EMAIL AND OVERNIGHT DELIVERY**

E-Mail Address: [2016businessplancomments@hsr.ca.gov](mailto:2016businessplancomments@hsr.ca.gov)

Jeff Morales  
Chief Executive Officer  
California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

**Re: Comments on CHSRA's Draft 2016 Business Plan**

Dear Mr. Morales:

Union Pacific Railroad provides this letter in response to the California High-Speed Rail Authority's ("CHSRA") invitation to submit comments on its Draft 2016 Business Plan.

**Union Pacific Railroad Company**

Founded in 1862 and now the largest Class 1 railroad in California, Union Pacific Railroad ("Union Pacific" or "UP") owns, operates, maintains, and dispatches a significant network of critical freight rail routes in California and 22 other states. In California alone, Union Pacific has nearly 5,000 employees and 3,283 route miles of track.

**Union Pacific's Freight Rail Network**

Union Pacific owns and operates rail mainlines connecting the San Francisco Bay Area to Sacramento and points east and north, and to Los Angeles and points east and southeast. Union Pacific is the largest rail carrier in California in terms of both mileage and train operations.

Union Pacific's rail network in the Bay Area, the Central Valley and Southern California is vital to the economic health of California and the nation as a whole. The Union Pacific rail network serves the ports and other shippers, providing access to the interstate freight rail system. Businesses and industries throughout the state rely on Union Pacific to maintain and expand its freight network—as well as maintain and improve freight service—to meet present and future shipping needs.

In addition, the freight rail network also benefits the larger transportation system and the environment. By facilitating the transportation of goods by rail rather than truck, Union Pacific helps to relieve the state's crowded highways, thus reducing traffic congestion, air-pollutant emissions, greenhouse gas emissions, and energy consumption.

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## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

Jeff Morales  
Chief Executive Officer  
California High-Speed Rail Authority  
April 18, 2016  
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### Position on CHSRA's High-Speed Rail Project

In November 2008, California voters approved Proposition 1A, which authorized issuance of \$9.95B in state bonds to fund the beginning of construction of a high-speed passenger rail system. For the last 8 years, we have frequently communicated—by written correspondence<sup>1</sup> and in meetings—Union Pacific's position on the high-speed rail project ("HSR"), specifically:

- UP will not allow any part of the HSR system to be built on UP's operating corridor or operate on UP tracks.
- HSR facilities and operations must not restrict, delay or otherwise interfere with UP freight operations.
- HSR must not restrict, delay or otherwise interfere with UP's ability to serve current and future freight customers.
- HSR must not restrict, delay or otherwise interfere with UP's ability to add future freight service capacity, including through new mainline track and spurs.
- Where HSR and UP freight alignments are in proximity to each other, sufficient distance must be maintained between the tracks to facilitate maintenance, ensure safety and avoid disruption to either freight or HSR.
- The HSR project must not increase UP's safety and liability risks.

These operating principles serve not only Union Pacific's commercial interests and common carrier freight obligations, but also the interests of shipping customers and the larger economy that depend on the continued vitality of the interstate freight network. These principles have informed our past discussions, negotiations and agreements with CHSRA,<sup>2</sup> and they will continue to do so in the future.

### General Comments on Draft 2016 Business Plan

The Draft 2016 Business Plan acknowledges the importance of freight rail to the Southern California and statewide economy. At page 11, CHSRA refers to the Burbank-Los Angeles-Anaheim corridor as "a vital freight and goods movement corridor." At page 49, CHSRA notes that 1.5 trillion tons of goods, worth \$2 trillion, moved through Southern California in 2010. CHSRA says it plans specific improvements to the Burbank-Los Angeles-Anaheim corridor, including "greater reliability and fluidity of freight and goods movement" and allowance for future growth in freight. 2016 Bus. Plan., p. 49; see also p. 12 ("Immediate benefits will accrue to freight").

<sup>1</sup> Union Pacific refers to and incorporates by reference all of its previous correspondence to CHSRA regarding the proposed HSR system, including letters dated May 13, 2008, July 7, 2008, February 23, 2009, March 13, 2009, April 23, 2010, September 1, 2010, October 12, 2011, March 23, 2012, May 2, 2012, May 8, 2012, May 29, 2012, October 19, 2012, February 27, 2014, April 3, 2014, May 5, 2014, and August 19, 2014.

<sup>2</sup> See Memorandum of Understanding and Implementing Agreement Related to High-Speed Rail Development in California, dated July 12, 2012 (the "MOU"). See also Engineering, Construction, and Maintenance Agreement Related to the California High-Speed Rail Authority Project Merced to Bakersfield Segment, dated December 23, 2014 (the "ECM Agreement").

## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

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Chief Executive Officer  
California High-Speed Rail Authority  
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We commend CHSRA for recognizing the importance of freight rail in Southern California, as well as for CHSRA's commitment to improved freight fluidity and allowance for future freight growth in the Burbank-Los Angeles-Anaheim corridor. However, the Business Plan should acknowledge the importance of freight statewide too, and it should confirm the planned HSR system will not interfere with freight elsewhere in the state.

### Comments on "Risk Management" Section of Draft Business Plan

While not referring (at least not explicitly) to Union Pacific, the "Risk Management" section of the Draft Business Plan refers to "adjacent railroads" and "adjacency issues." Union Pacific offers the following comments on this section:

Intrusion Barriers. At page 92, the Draft Business Plan refers to "intrusion protection and betterments requested by railroads." CHSRA and Union Pacific have agreed to terms regarding where intrusion barriers will be required. In response to the language quoted above, UP wishes to confirm that intrusion barriers are not considered a "betterment" to Union Pacific: such barriers do not improve or add value to freight operations; rather, the barriers mitigate safety and operational risks caused by the addition of HSR tracks in proximity to freight rail.

Other Adjacency Issues. At page 92, the Draft Business Plan refers to "mitigating the adjacency issues" caused by addition of HSR tracks in proximity to freight rail. These issues are of great concern to Union Pacific. In addition to safety, close proximity of HSR and freight corridors creates potential conflicts related to operations, maintenance, access for emergency responders, and access to freight customers. It also may limit future commercial and industrial development near the freight rail corridors.

Electromagnetic Fields and Interference. At page 93, the Draft Business Plan refers to "Electromagnetic field concerns" with high-speed rail right-of-way passing near wind turbines or potential solar energy projects, and suggests considering "new alignments where feasible/desirable to avoid this risk."

As you know, Union Pacific has expressed concerns about HSR causing electromagnetic fields that—when HSR is in close proximity to Union Pacific rights-of-way—could interfere with Union Pacific's railroad signals, Positive Train Control ("PTC"), or other freight equipment or systems. Such interference could cause significant operational and safety concerns. In the ECM Agreement for Merced to Bakersfield, CHSRA acknowledged the potential for interference issues.

The Business Plan should acknowledge the concerns about electromagnetic interference with freight operations, and it should not suggest the issue arises only with nearby solar and wind energy projects.

Third-Party Agreements. In its risk management section, CHSRA cites "[d]elays associated with railroad agreement and approval" as a project risk. Union Pacific has worked in good faith with CHSRA to advance discussions about agreements, including the MOU and ECM Agreement referenced above. As always, Union Pacific reserves all rights it has related to the negotiation, execution, and enforcement of agreements with CHSRA.

## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

Jeff Morales  
Chief Executive Officer  
California High-Speed Rail Authority  
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### Comments on Draft 2016 Business Plan "Source Documents"

On the portion of CHSRA's website relating to the Draft Business Plan, CHSRA has posted links to a half-dozen "source documents" that apparently were prepared in connection with the Business Plan. Given their voluminous nature, Union Pacific has not yet fully reviewed all of the technical supporting documents. That said, based on its limited review of the Capital Cost Basis of Estimate Report,<sup>3</sup> Union Pacific makes the following comments:

#### San Francisco to San Jose.

- P. 29: This section outlines general cost estimates for the route improvements and lists several assumptions regarding HSR operations:
  - Comment: UP retains an exclusive easement for freight operations on the Caltrain corridor, as well as exclusive rights for freight and intercity passenger service in the Caltrain corridor pursuant to a Trackage Rights Agreement with the Peninsula Corridor Joint Powers Board. In its Business Plan and related documents concerning the San Francisco to San Jose segment, CHSRA should acknowledge UP's rights and note that CHSRA has not secured any rights to operate on this route.

#### San Jose to Gilroy

- P. 31: "The Diridon station has been changed from aerial to at-grade, reducing station costs in this section, and the current alignment generally stays outside UPRR right-of-way and travels along the edge of Monterey Road/Monterey Highway to a Gilroy station on an embankment."
- P. 32: "Includes \$50 million allowance for UPRR realignment at Communication Hill including a new single track bridge crossing."
  - Comment: The Union Pacific right-of-way in the Gilroy to San Jose corridor is reserved for current and future freight operations. Union Pacific expects CHSRA to be sufficiently separated from our right-of-way to allow for customer growth and new connections to the UP main line.
- P. 32: "An intrusion barrier where high-speed rail is at-grade in Caltrain right-of-way from San Jose to south of Tamien is not required due to operating speeds less than 125 mph."
  - Comment: UP requires an intrusion barrier at any location where the centerline of the closest HSR track will be one hundred two (102) feet or closer to UP operating right-of-way. This requirement applies regardless of HSR's speed at a particular location.<sup>4</sup>

<sup>3</sup> The Capital Cost Basis of Estimate Report provides capital cost estimates for construction of segments of the Phase I HSR system, i.e. from San Francisco to LA/Anaheim.

<sup>4</sup> CHSRA has not cited any regulation, standard or study to support its assertion that intrusion barriers are not needed when operating speeds are less than 125 mph. UP is not aware of any such regulation, standard or study.



## Submission B016 (Clint Schelbitzki, Union Pacific Railroad Company, June 7, 2016) - Continued

Jeff Morales  
Chief Executive Officer  
California High-Speed Rail Authority  
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### Palmdale to Burbank

By way of background for Union Pacific's comments on the Palmdale-to-Burbank and Burbank-to-Los Angeles segments, the Los Angeles County Metropolitan Transportation Authority ("LACMTA") owns a right-of-way on which the Southern California Regional Rail Authority ("SCCRA") operates a commuter rail service (Metrolink) between Palmdale and the Los Angeles Union Station.

- Comment: On August 29, 2014, UP submitted scoping comments on the Notice of Preparation of the EIR/EIS for the Palmdale-to-Burbank section. As set forth in those comments, UP has an exclusive freight easement, as well as rights under a trackage rights agreement with LACMTA, for conducting freight rail operations and providing common carrier rail service on the Saugus and Valley Lines which connect Palmdale, Burbank and Los Angeles. As we have previously discussed with both CHSRA and SCRRRA, UP reserves these valuable property and contractual operation rights, which must not be impaired by HSR facilities or service. CHSRA must not interfere with UP's operating rights and responsibilities between Palmdale and Burbank.

### Burbank to Los Angeles

- P. 41: "The Draft 2016 Business Plan capital cost estimate is based on a new alternative that includes relocation of existing at-grade double track in the Metrolink corridor right-of-way and constructing two new high-speed rail tracks from West Alameda Avenue to Fletcher Drive (5.3 miles). The 2014 Business Plan estimate for this section reflected dedicated high-speed rail tracks between Burbank and LA Union Station and included significant right-of-way acquisition costs associated with this alignment alternative. The current alternative utilizes retaining walls increasing the guideway costs, but also minimizing project footprint and reducing right-of-way acquisitions costs."
- Comment: On August 29, 2014, UP submitted scoping comments on the Notice of Preparation of the EIR/EIS for this section. As set forth in those comments, UP has an exclusive freight easement, as well as rights under a trackage rights agreement with LACMTA, for conducting freight rail operations and delivery of common carrier rail service on the Valley Line which extends from Burbank to L.A. Union Station. As we have previously discussed with both CHSRA and SCRRRA, UP reserves these valuable property and contractual rights of operation. CHSRA must not interfere with UP's operating rights and responsibilities between Burbank and Los Angeles.
- Comment: UP also notes that the MOU says that CHSRA will not ask LACMTA to electrify any of the routes on which UP operates between Palmdale and Union Station.<sup>6</sup>
- P. 41: "Assumes Metrolink and High-Speed Rail will share tracks from approximately Metrolink's Central Maintenance Facility to Los Angeles Union Station."

<sup>6</sup> See MOU, § 2.L.



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Jeff Morales  
Chief Executive Officer  
California High-Speed Rail Authority  
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- o Comment: UP operates freight rail service on the tracks between Metrolink's Central Maintenance Facility and Los Angeles Union Station. As stated above, CHSRA must not interfere with UP's freight operating rights and responsibilities on this route.
- P. 41: "Does not include allowances for agreements with Metro/UPRR for shared use of this corridor."
  - o Comment: UP reserves its property and contractual rights of operation on the Burbank to Los Angeles corridor. CHSRA must not interfere with UP's freight operating rights and responsibilities on this route.
- P. 41: "Intrusion barriers were assumed to be not required in this section due to operating speeds less than 125 mph."
  - o Comment: As discussed above, UP requires an intrusion barrier at any location where the centerline of the closest HSR track will be one hundred two (102) feet or closer to UP operating right-of-way. This requirement applies regardless of HSR's speed at a particular location.

### Los Angeles to Anaheim

- Comment: In the original statewide EIR/EIS for the HSR project (issued in 2005), CHSRA was considering an alignment alternative between Los Angeles and Anaheim that would have used UP's Santa Ana subdivision right-of-way. There is no mention of this possible alignment in CHSRA's latest Capital Cost Report. Instead, the Capital Cost Report presents an alignment between Los Angeles and Anaheim that would primarily use right-of-way owned by BNSF and shared between BNSF freight and Metrolink. Please confirm the current alignment alternatives for HSR between Los Angeles and Anaheim will not cross, parallel or otherwise be in close proximity to UP facilities or operations.

### Conclusion

We appreciate your attention to Union Pacific's comments as you revise and finalize the 2016 Business Plan. Union Pacific looks forward to continuing to work with CHSRA, consistent with these comments.

Sincerely,



Clint Schelbitzki  
General Director-Network Development

cc: Wesley J. Lujan  
Lupe C. Valdez  
Francisco J. Castillo, Jr.  
David M. Pickett

## Submission B017 (Jonathan Scharfman, Universal Paragon Corporation, June 9, 2016)



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June 9, 2016

**TRANSMITTED VIA ELECTRONIC MAIL:**

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Mr. Mark McLoughlin  
Director of Environmental Services  
*Attention:* San Francisco to San Jose Section EIR/EIS  
CALIFORNIA HIGH-SPEED RAIL AUTHORITY

100 Paseo de San Antonio  
San Jose, CA 95113

770 L Street, Suite 1160  
Sacramento, CA 95814

Re: Joint Comments on:

- Notice of Preparation of a Project Environmental Impact Report/Environmental Impact Statement for the California High-Speed Rail System, San Francisco to San Jose Project Section, Blended System Project (May 9, 2016) (NOP), and
- Notice of Intent (NOI) to prepare an Environmental Impact Statement for the California High Speed Rail System San Francisco to San Jose Section, CA (May 9, 2016; 81 F.R. 28154) (NOI)

Dear Mr. McLoughlin:

We appreciate the opportunity to comment on the referenced NOP and NOI for the San Francisco to San Jose Project Section, Blended System Project, for the High-Speed Rail (HSR or HSR Project), promulgated by the High Speed Rail Authority (Authority) as lead agency under the California Environmental Quality Act (CEQA) and the Federal Railroad Administration (FRA) as lead agency under the National Environmental Policy Act (NEPA). Universal Paragon is the landowner and project applicant for the Brisbane Baylands project in the City of Brisbane, California (Baylands Site or Baylands Project), currently in the final stages of environmental review at the City of Brisbane, across which the existing Caltrain rail line, proposed for blended use with HSR, runs.

**The Brisbane Baylands Project is a Designated "Priority Development Area" in Recognition of its Unique and Comprehensiveness with State Sustainability Policy and Has Been a Decade in the Making**

The Baylands Site is recognized by the Association of Bay Area Governments (ABAG) as a "priority development area" or "PDA." PDA's are areas of scale with a unique potential to reduce California's greenhouse gas emissions related to land use by providing housing and integrated community amenities that concentrate populations along existing transit corridors and are grounded on a design focused on sustainable living and development for the entirety and lifecycle of the community. (See <http://www.abag.ca.gov/priority/>.) Nowhere is this designation more appropriate than at the Baylands Site.

We invite you to visit our website, <http://brisbanebaylands.com>, for a comprehensive overview of the Baylands Project. Capitalizing its close proximity to the urban core of San Francisco and surrounding communities, and located on

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an existing rail line, the core vision for the Baylands Project derives its vision and values from these anchoring attributes which cannot be relocated or established anew at other sites. The Brisbane Baylands project, with all of its accolades, is possible *only* at this site. As poignantly noted by leading Bay Area urban planning expert, Gabriel Metcalf, Executive Director of SPUR, “While many cities struggle to bring transit to former brownfield sites, the Baylands project will bring brownfield remediation to a transit-rich site.”

The Brisbane Project proposes 4,400 residential units, a significant though only incremental contribution to the unprecedented and daunting housing shortage in San Francisco and the Bay region at large. Given the existing location of the Bayshore Caltrain station on the Baylands Project site, these units and their residents will have immediate, not “proposed” or “future,” access to transit to all regional employment centers. The development at the Baylands Site will be relatively high density, bringing all recognize sustainability attributes inherent in concentrated and integrated communities.

Within the community itself, the design will facility multiple mobility modes even beyond the existing transit lines. The walkable and bike-friendly community will afford residents multiple options for their discretionary trips other than conventional automobile trips. The Baylands Project will utilize and itself generate renewable energy sources and promises all building to meet or exceed LEED certification requirements.

With the economic engine of the Baylands Project, the existing residents and community of Brisbane will reap many significant community benefits addressing existing needs. These include regional scale wetlands and habitat restoration, expansion, and enhancement; transit and mobility infrastructure improvements; extensive project-wide parks and open space improvements; the long prioritized extension of Geneva Avenue; and Candlestick interchange improvements. Again, these community improvements address existing needs, but there are no resources to see them realized. Development of the Baylands Project is the only source of making these needed improvements a reality.

Additionally, the Baylands Project will be an economic boon to the City and entire region. The Baylands Project draft EIR estimates that over 20,000 new jobs will be created by the Baylands Project- 5,000 or more in long-term construction and 17,500 permanent jobs.

The Baylands Project’s unique design and extraordinary stakeholder recognition are the result of over a decade of effort and innumerable man-hours devoted by the project team, the City of Brisbane staff and its elected officials, and the public at large. Since 2004, tens of millions of dollars have been spent defining, refining, and evolving the Baylands Project proposal to directly address and reflect the community, region, and state’s priorities for concentrating development along existing transit corridors and incorporating and advancing sustainable design principles in all aspects of the project.

And these efforts have not been for naught. In fact, after this decade of both process and evolving substance and an NOP originally issued in 2006, a draft environmental impact report (EIR) for the Baylands Project was completed, circulated in June 2013, and commented upon by the public and stakeholders. Those comments were evaluated and responded to by the City of Brisbane as lead agency under CEQA, and a final EIR, published June 2015, stands ready for certification by the City of Brisbane. A decade’s worth of toil, labor, and dedicated advancement of a collective vision, truly an unprecedented planning effort, are finally coming to fruition for the Baylands Project.

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### **Siting of the HSR Maintenance Facility on the Baylands Site Would Thwart Realization of the Baylands Project with Its Recognized Community Benefits and Is Inconsistent with State Policy Seeking to Foster Transit-Anchored and Sustainable Community Development**

In considering the HSR EIR and companion environmental impact statement (EIS) under NEPA, the Authority and FRA must evaluate not simply the potential for siting the maintenance facility on the Baylands Site, but rather must thoroughly and comprehensively consider the *inconsistency* of such siting with State and regional policy mandates related to greenhouse gas reduction.

In response to the severe threats posed by climate change, the State of California has been a leader and innovator in greenhouse gas emission reduction strategies and mandates. Recognizing that regulation of stationary sources alone will not meet the State's emission-reduction objectives, the State includes land use policy as an essential component of the climate change equation.

Specifically, SB 375, adopted in 2008, established a new mandate for inclusion of a "sustainable communities strategy" (SCS) in all Regional Transportation Plans throughout the State. The SCS was a type of regional growth plan that would analyze related to the potential for greenhouse gas emission generation in the region and ensure that projected growth patterns would satisfy regional emission reduction targets adopted for each region in the State by the California Air Resources Board. SB 375 is a critical component of the State's overall efforts to meet its greenhouse gas reduction requirements in AB 32. Passed in 2006, AB 32 committed the State to returning to 1990 levels of emissions by the year 2020. Further, an Executive Order by then Governor Schwarzenegger further established a goal for the State of accomplishing reductions to 80 percent below 1990 levels by 2050.

Plan Bay Area is the effort whereby ABAG and the Metropolitan Transportation Commission (MTC) collectively comply with SB 375 mandates for the Bay Area region. Core to the Plan Bay Area planning efforts and visions are the designated PDAs, of which the Baylands Site is a significant one.

Siting of the HSR maintenance facility on the Baylands Site would thwart establishment of the integrated, sustainable community – just the type envisioned and incented by the State in SB 375 and the region in Plan Bay Area – explained above. Though the Baylands Site was once, long ago, an industrial facility, the vision today is one of solutions and progressive advancement into a new area, exemplary of California's innovation culture and climate change priorities.

In considering the HSR EIR/EIS, the Authority and FRA must evaluate not simply the potential for siting the maintenance facility on the Baylands Site, but rather they must thoroughly and comprehensively consider the *inconsistency* of such siting with State and Regional policy under AB 32, SB 375, Plan Bay Area, and others, given the recognized status of the Baylands Project as a critical component of the region meeting the State's mandates regarding climate change. Preempting the region and state's ability to realize its greenhouse gas reduction strategies in the land use area have significant potential consequence. The analysis will have to similarly consider all feasible alternative locations for the facility that would not implicate fatal threats to core components of this State and regional regulatory regime.

### **Siting of the Maintenance Facility on the Baylands Site Would be Inconsistent with the City of Brisbane's Sustainability Framework for the Baylands Site**

The EIR/EIS must evaluate the inconsistency of the siting the maintenance facility on the Baylands Site with the City of Brisbane's "Sustainability Framework for the Baylands" (Framework).

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Adopted by the City on November 5, 2015, the Framework articulates guidance from the City's perspective to inform the vision for future uses on the Baylands. Areas of focus include:

- Zero Carbon Buildings
- Zero waste
- Sustainable Transportation
- Local and Sustainable Materials
- Local and Sustainable Food
- Sustainable Water
- Open Space and Habitat
- Culture and Heritage
- Economic Vitality with Equity & Ecology
- Recreation, Health, Safety & Happiness

As explained above, the design parameters and community benefits – attributes called for and highlighted in the Framework – from this exemplary and unique community can only be realized due to the *existing* attributes of the Baylands Site today combined with the economic engine and resource generation of the Baylands Project in its entirety. As a significantly exemplary attribute, the Framework highlights the existing Bayshore Caltrain station and its future potential for the new community: “The multi-modal station is the heart of the development. To fully utilize the potential of the multi-modal station, a minimum of a ¼ mile radius of combined uses must surround the station.” (Framework, p. 29.) As noted, SB 375 and Plan Bay Area, among others, are fundamentally grounded on this notion of establishing housing and mixed-use community cores in close proximity to transit hubs, as is the case with the Baylands Project.

Nothing in the Framework weighs in favor of the maintenance facility being sited on the Baylands Site. The EIR/EIS must evaluate this notable inconsistency and consider all feasible alternatives to avoid the conflict.

### **Siting of the HSR Maintenance Facility on the Baylands Site would be Inconsistent with HSR's Own Intentions and Priorities**

The EIR/EIS must consider the consistency with any potential siting of the maintenance facility on the Baylands Site with the core purpose and intent of HSR itself.

In addition to the inconsistency of siting the maintenance facility on the Baylands Site with the noted laws and regulations including AB 32, SB 375, and Plan Bay Area, such a determination would similarly be counter to HSR and the Authority's core mission and priorities. From HSR's own website: “California high-speed rail will connect the mega-regions of the state, contribute to economic development and a cleaner environment, create jobs and preserve agricultural and protected lands.” ([www.hsr.ca.gov/About/index.html](http://www.hsr.ca.gov/About/index.html).) Indeed, HSR is one of the most notable examples and tangible commitments by the State of California in furtherance of commitment to lead the world on battling climate change.

Would it not be the most misguided and misplaced of ironies if the planning and establishment of HSR effectively killed a similarly grounded and purposed project, the Brisbane Baylands? So long as the Baylands Site remains even a potential location for the maintenance facility, the EIR/EIS must consider this unintended consequence of such a determination. And alternative sites certainly exist.



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### Alternative Sites for the Proposed Maintenance Facility Exist and Must Be Studied

Indeed, numerous potential alternative sites for the maintenance facility exist and must be studied in the EIR/EIS. These include, but are not limited to:

- The existing industrial zone in San Francisco at the Port of San Francisco properties surrounding Piers 80 through 96 on the Port's southern waterfront area. This area has multiple existing industrial uses and is already equipped with multiple functioning rail spurs off of the Caltrain main line;
- The existing Caltrain terminus and railyard area at 4<sup>th</sup> and King in San Francisco;
- The existing Caltrain's Central Equipment and Maintenance Facility in San Jose; and
- Given the new "blended use" focus of the HSR Project being evaluated in the EIR/EIS, any feasible co-location options along the existing Caltrain rail and right-of-way must be analyzed as potential alternatives.

As noted, these are just a few of the most obvious alternative locations of which we are aware. Consistent with CEQA and NEPA, the Authority and FRA must identify and consider feasible alternatives that would avoid the preemptively fatal consequence to a recognized, exemplary project consistent with State priorities of locating the maintenance facility on the Baylands Site.

### Express Reference to the Baylands Site in the HSR Project Public Scoping Meetings Was Misleading and Inappropriate

We were gravely concerned that, without notice to us or anyone related to the Brisbane Baylands project, an aerial of our property was included in a PowerPoint overview summary of the HSR Project as the only identified "potential" site for the "Light Maintenance Facility." And it is our understanding that this presentation, identifying our site exclusively, was used in each of the three public scoping meetings on May 23, 24, and 25.

To begin with, no documentation to date related to the HSR Project has identified the Baylands Site as a potential location for the maintenance facility. Neither the current NOP or NOI references the Baylands Site, nor did the HSR EIRs from 2008, 2010, or 2012. However, in the three public scoping meetings supporting the subject NOP and NOI, there is now a full slide dedicated depicting the Baylands Site, *and only the Baylands Site*, as the potential location for the maintenance facility.

Further, the presentation and labeling of the slide dedicated to the Baylands Site is highly misleading. It is our understanding that, although the sole site specifically identified, the actual appropriate location for the maintenance facility remains undetermined and subject to study. The presentation of the site in the scoping meetings, however suggested that any uncertainty and variable yet to be decided related to where on the Baylands Site the maintenance facility would be located, not *if* it would be located there at all. Specifically, the exhibit states that the "potential facility placement **would be** either East or West of Caltrain tracks." (*Emphasis added.*) For members of the public unfamiliar with the status and trajectory for the HSR project, we suggest that the "would be" language suggests more definite determinations have already been made regarding locating the maintenance facility. Also, referring solely to the Baylands Site in the scoping meetings only further solidifies that mis-impression.

Going forward, the Authority and FRA should make unmistakably clear that no determination on siting of the maintenance facility has been made and that all feasible alternative sites that would, among other things, avoid the fatal consequences to the Baylands Project addressed herein, will be evaluated.



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### The Authority Should Prepare an Initial Study this HSR Project to Help Guide and Inform the Scoping Process

While the Authority and FRA have reached out broadly to stakeholders, responsible and trustee agencies, and others, they have provided very little detail on the known, foreseeable, and potential impacts of the HSR Project to be studied in the EIR/EIS. As is common practice in California, the provision of an Initial Study for the HSR Project would be most enlightening and assist in making the comments during this scoping/NOP/NOI period as comprehensive and useful as possible. (See 14 Ca. Code Regs. §§ 15006(d), 15063.)

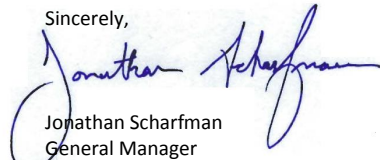
### Conclusion

We commend the Authority, FRA, and the indefatigable leadership of the Brown Administration in bringing forward the HSR Project. As noted, it exemplifies the progressive vision and ethic of the State to challenge ourselves, the Nation, and the world in taking bold actions to address climate change by all means possible. As explained herein, this is the same ethic and determination which has driven the vision and planning for the Baylands Project.

With a legacy of industrial use and environmental degradation, the Baylands Site is now moving forward as a catalyst for innovation, environmental progress, affirmative climate action, environmental justice, and sustainable (or at least a substantial step towards) alleviation of the crippling housing crisis in and around San Francisco. To site the maintenance facility for this admittedly important HSR Project would mean the unnecessary consequential demise of another important project for the state and region, and would drag the Baylands Site back into outdated 19<sup>th</sup> Century industrial uses instead of allowing it to be a major innovation hub and sustainable development model for the 21<sup>st</sup> Century.

We very much appreciate your consideration of our comments. Should you have any questions with regard to this matter, please feel free to contact the undersigned.

Sincerely,



Jonathan Scharfman  
General Manager  
UNIVERSAL PARAGON CORPORATION

cc: **Clay Holstine**, City of Brisbane City Manager  
**John Swiecki**, City of Brisbane Planning Director